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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DENNIS HERRERA
President

SIDNEY CHAN
Vice President

CONNIE PERRY
Commissioner

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

LT MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JANUARY 3, 2001
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

DOCUMENTS DEPT.

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1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer Timothy P. Fitzgerald, Southern (File No. C00-410 JWA)
5. Police Commission Announcements
   a. Motion of Calendaring of New Items
6. Chief's Announcements and Review of Recent Department Events
7. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
8. Status Report re: OCC Policy Recommendations
9. Presentation of OCC's Statistical Reports May, July, & August 2000, and Second Quarter 2000 Statistical Report
10. Request of the Chief of Police for Approval to Apply for, Accept Retroactively, and Expend Funds from the U.S. Department of Justice-Office of Community Oriented Policing Services (COPS) to Implement the COPS-MORE 2000 Program
11. Request of the Chief of Police for Approval to Enter into Agreement with the State of California to Obtain Training Equipment
12. Public Comments
    (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JANUARY 3, 2001
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

CONSENT CALENDAR

1. Request of the Chief of Police for Approval to Accept Donation of Exercise Equipment, a Cybex Brand Stationary Bicycle, a Stairmaster Free Climber Model 4400 PT, and a Cybex Brand Lat Pulldown Machine, from Bank of America, valued at $2,700.00, for Use of the Mission Station

2. Request of the Chief of Police for Approval to Accept Donation of $2,500.00 from Mr. Redmond Lyons for Use of the Mission Station in Community Service Activities

**There will be Public Comments on any item before or during discussion of each item.*

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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For information about the meeting call 553 1667(v) or 553 9194 (tty)

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The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Herrera, Chan, Perry, Friday, Quaranta

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APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 1-01

APPROVAL TO ACCEPT DONATION OF EXERCISE EQUIPMENT, A CYBEX BRAND STATIONARY BICYCLE, A STAIRMASTER FREE CLIMBER MODEL 4400 PT, AND A CYBEX BRAND LAT PULLDOWN MACHINE, FROM BANK OF AMERICA, VALUED AT $2,700.00, FOR USE OF THE MISSION STATION

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donation of exercise equipment, a Cybex Brand Stationary Bicycle, a Stairmaster Free Climber Model 4400 PT, and a Cybex Brand Lat Pulldown Machine, from Bank of America, valued at $2,700.00, for use of the Mission Station.

AYES: Commissioners Herrera, Chan, Perry, Friday, Quaranta

RESOLUTION NO. 2-01

APPROVAL TO ACCEPT DONATION OF $2,500.00 FROM MR. REDMOND LYONS FOR USE OF THE MISSION STATION IN COMMUNITY SERVICE ACTIVITIES

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donation of $2,500.00 from Mr. Redmond Lyons for use of the Mission Station in community service activities.

AYES: Commissioners Herrera, Chan, Perry, Friday, Quaranta

RESOLUTION NO. 3-01

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER TIMOTHY P. FITZGERALD, SOUTHERN (FILE NO. C00-410 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in disciplinary charges filed against Officer Timothy P. Fitzgerald, Star No. 112, Ingleside, was called it having been set for this date; and

WHEREAS, Commissioner Sidney Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Timothy P. Fitzgerald; therefore be it

RESOLVED, that Commissioner Sidney Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Timothy P. Fitzgerald, and is to be set at a later date.

AYES: Commissioners Herrera, Chan, Perry, Friday, Quaranta

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

No announcements.

Commissioner Herrera commended the department regarding New Year's Eve event.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau commended the department and other agencies regarding New Year's celebration. No major problems.

Chief Lau talked about the incident at Balboa High School regarding juvenile with a gun injuring another student.

Chief Lau also talked about new academy class will be starting January 8th.

Commissioner Perry asked regarding background checks of Q2 candidates.

Commissioner Friday discussed more officers needed.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

STATUS REPORT RE: OCC POLICY RECOMMENDATIONS

PRESENTATION OF OCC'S STATISTICAL REPORTS FOR MAY, JULY, & AUGUST 2000, AND SECOND QUARTER 2000 STATISTICAL REPORT

Director Mary Dunlap presented statistics and briefed the Commission on status of policy recommendations.

RESOLUTION NO. 4-01

APPROVAL OF REQUEST OF THE CHIEF OF POLICE TO RETROACTIVELY APPLY FOR, ACCEPT, AND EXPEND FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE-OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS) TO IMPLEMENT THE COPS-MORE 2000 PROGRAM

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to retroactively apply for, accept, and expend funds from the U.S. Department Justice-Office of Community Oriented Policing Services (COPS) to implement the COPS-MORE 2000 Program, including any augmentations, extensions, and modifications.

AYES: Commissioners Herrera, Chan, Perry, Friday
ABSENT: Commissioner Quaranta

RESOLUTION NO. 5-01

APPROVAL OF REQUEST OF THE CHIEF OF POLICE TO ENTER INTO AGREEMENT WITH THE STATE OF CALIFORNIA TO OBTAIN TRAINING EQUIPMENT

WHEREAS, the State of California through its Commission on Peace Officer Standards and Training (POST) has offered to provide the Police

Department a total of $103,358 to fund the purchase training equipment to enhance the Department's Perishable Skills Officer Training Program;

WHEREAS, the addition of training such as a skid car platform, patrol car, and other items will significantly enhance the Department's ability to provide necessary training in critical law enforcement functions. Safe motor vehicle operation and use of force training are state mandated. These perishable skills must be fine-tuned for in-service officers in order to refresh and improve field performance; therefore, be it

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to enter into agreement with the State of California to obtain training equipment.

AYES: Commissioners Herrera, Chan, Perry, Friday
ABSENT: Commissioner Quaranta

PUBLIC COMMENTS

None

Thereafter, the meeting was adjourned at 6:25 p.m.

_____
Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DENNIS HERRERA
President

SIDNEY CHAN
Vice President

CONNIE PERRY
Commissioner

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

LT MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JANUARY 10, 2001
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance

2. Roll Call

3. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer Edward H. Hunt, Central (File No. C00-245 JWA)

4. Assignment of Commissioner and Setting of Date for Taking of Evidence on Appeal of the Chief's Suspension of Officer Peter D. Damato, Tenderloin (File No. D00-107 JWA)

5. Police Commission Announcements
   a. Motion of Calendaring of New Items

6. Chief's Announcements and Review of Recent Department Events
   a. Presentation of Officer of the Month Awards for the Months of November and December to Officer James Strange, Richmond, and Officer Steven Thoma, Mission

7. OCC Director's Report re: Staffing and Budget and Summary of Recent Events

8. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

**There will be Public Comments on any item before or during discussion of each item.*

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SAN FRANCISCO POLICE COMMISSION
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JANUARY 10, 2001 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Friday, Quaranta
ABSENT: Commissioners Herrera, Perry

RESOLUTION NO. 6-01

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER EDWARD H. HUNT, CENTRAL (FILE NO. C00-245 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in disciplinary charges filed against Officer Edward H. Hunt, Star No. 186, Central, was called it having been set for this date; and

WHEREAS, Commissioner Wayne Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Edward H. Hunt; therefore be it

RESOLVED, that Commissioner Wayne Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Edward H. Hunt, and is to be set at a later date.

AYES: Commissioners Chan, Friday, Quaranta
ABSENT: Commissioners Herrera, Perry

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RESOLUTION NO. 7-01

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON APPEAL OF THE CHIEF'S SUSPENSION OF OFFICER PETER D. DAMATO, TENDERLOIN (FILE NO. D00-107 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the appeal of the Chief's Suspension of Officer Peter D. Damato, Star No. 1662, Tenderloin, was called it having been set for this date; and

WHEREAS, Commissioner Sidney Chan is hereby assigned to conduct taking of evidence in the appeal of the Chief's Suspension of Officer Peter D. Damato therefore be it

RESOLVED, that Commissioner Sidney Chan is hereby assigned to conduct taking of evidence in the appeal of the Chief's Suspension of Officer Peter D. Damato, and is to be set at a later date.

AYES: Commissioners Chan, Friday, Quaranta
ABSENT: Commissioners Herrera, Perry

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

None

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

a. **Presentation of Officer of the Month Awards for the Months of November and December to Officer James Strange, Richmond, and Officer Steven Thoma, Mission**

Chief Lau briefed the Commission regarding dedication of helo pad at Building 606 in name of Officers Brookbush and Dougherty.

Commander Bruce described Officers of the Month Program. Captain Roth introduced Officer Steve Thomas, recipient of Officer of the Month of November. Commissioner Chan congratulated Officer Thoma.

Commander Bruce introduced Officer James Strange recipient of Officer of the Month of December. Captain Springer presented award to Officer Strange.

Commander Bruce updated the Commission regarding Community Policing, graffiti, traffic, etc.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Nothing to report.

Thereafter, the meeting was adjourned at 6:15 p.m.

_____

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rct

JANUARY 16, 2001 **SPECIAL MEETING**

The Police Commission of the City and County of San Francisco along with the Public Safety Committee of the San Francisco Housing Authority held a meeting on Tuesday, January 16, 2001, at 5:00 p.m., in the Sunnydale Development Community Center, 1654 Sunnydale Avenue, San Francisco.

A joint meeting was held with two Housing Authority Commissioners and two members of the Police Commission at the Sunnydale Community Center. The main discussion concerned public safety in public housing developments.

PRESENT: Commissioners Herrera, Perry

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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President

SIDNEY CHAN
Vice President

CONNIE PERRY
Commissioner

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

LT. MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JANUARY 17, 2001
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance

2. Roll Call

3. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer Michael D. Nelson, Bayview (File No. C99-279 JWA)

4. Police Commission Announcements
   a. Motion of Calendaring of New Items

5. Chief's Announcements and Review of Recent Department Events

6. OCC Director's Report re: Staffing and Budget and Summary of Recent Events

7. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

*There will be Public Comments on any item before or during discussion of each item.

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JANUARY 17, 2001 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Herrera, Chan, Perry, Friday, Quaranta

RESOLUTION NO. 8-01

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER MICHAEL D. NELSON, BAYVIEW (FILE NO. C99-279 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in disciplinary charges filed against Officer Michael D. Nelson, Star No. 1676, Bayview, was called it having been set for this date; and

WHEREAS, Commissioner Wayne Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Michael D. Nelson; therefore be it

RESOLVED, that Commissioner Wayne Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Michael D. Nelson, and is to be set at a later date.

AYES: Commissioners Herrera, Chan, Perry, Friday, Quaranta

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POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Herrera discussed pending disciplinary cases.

Commissioner Perry discussed and asked for follow up of joint meeting with the Housing Authority. Commissioner Herrera thanked the command staff for their attendance and asked Commander Bruce to work with Commissioner Perry and report back at a later date.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau discussed New Year's eve actions of police.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Director Dunlap discussed pending discipline. She also stated that OCC staff attorney will be taking maternity leave and that she will have temporary attorney to fill in.

Commissioner Herrera asked for First Amendment report.

PUBLIC COMMENTS

None.

Thereafter, the meeting was adjourned at 5:50 p.m. in memory of Officer William Wilkens of Oakland PD.

_____

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rct

The Police Commission

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SIDNEY CHAN
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Commissioner

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

LT. MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JANUARY 24, 2001
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance
2. Roll Call
3. Police Commission Announcements
   a. Motion of Calendaring of New Items
4. Chief's Announcements and Review of Recent Department Events
5. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
6. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)
7. Hearing and Disposition on Disciplinary Charges filed against Officer Daniel Baker, Medical Liaison (File No. C98-252 JWA)
8. Hearing and Disposition on Amended Disciplinary Charges filed against Officer Carlos J. Mustafich, Taraval (File No. C00-253 JWA)

(The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.)

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For information about the meeting call 553 1667(v) or 553 9194 (tty)

JANUARY 24, 2001 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Herrera, Chan, Perry, Friday, Quaranta

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Herrera read announcement regarding pagers and cell phones at the meeting.

Commissioner Herrera discussed racial profiling and asked the City attorney to calendar verified complaint procedure and review of red folders from Management Control.

Election of officers to be calendared for the 31st.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Assistant Chief Sanders for Chief Lau briefed the Commission regarding recent shootings. Deputy Chief Pengel formulated a task force and discussed racial profiling data collection.

Commissioner Friday asked for status of staffing at station level.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Director Dunlap stated OCC monitored Inauguration Day demonstrations and commended the department.

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PUBLIC COMMENTS

None

RESOLUTION NO. 9-01

HEARING OF OFFICER DANIEL BAKER, MEDICAL LIAISON (FILE NO. C98-252 JWA)

WHEREAS, on November 2, 1998, Chief of Police Fred H. Lau made and served charges against Police Officer Daniel Baker, Star No. 391, as follows:

SPECIFICATION NO. 1
[Domestic Violence] Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 2
[Possession of unregistered assault rifles] Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

WHEREAS, Officer Daniel Baker applied for an Industrial Disability Retirement;

WHEREAS, on November 22, 2000, an Employees' Retirement System hearing officer granted the request of Officer Baker with an effective retirement date of December 11, 1999; therefore, be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Officer Daniel Baker, Star No. 391, be, and the same are hereby continued off calendar.

AYES: Commissioners Herrera, Chan, Perry, Friday, Quaranta

HEARING OF OFFICER CARLOS J. MUSTAFICH, TARAVAL (FILE NO. C00-253 JWA)

The hearing of Police Officer Carlos J. Mustafich, Star No. 1774, was called it having been set for this date. Officer Mustafich was charged, in a properly verified complaint by Chief of Police Fred H. Lau of the San Francisco Police Department, with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Failure to follow written and oral orders (violation of Rule 10 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which subverts the order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 3

Engaging in conduct which subverts the order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 4

Engaging in conduct which subverts the order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

Officer Carlos J. Mustafich appeared in person and was represented by Mr. Earl Disselhorst, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The Department entered a motion to amend charges filed against Officer Mustafich. The Commission approved motion to amend charges.

Officer Mustafich admitted to the specifications contained in Specifications No. 1, 2, and 3 of amended charges contained in File No. C00-253 JWA. Officer Mustafich personally affirmed the admission in these matters and accepts responsibility for his actions.

Based on Officer Mustafich's admission, the Commission requested a recommendation from Chief of Police Fred H. Lau. It is the recommendation of the Chief of Police that Officer Carlos J. Mustafich be suspended for twenty-eight

(28) days and that Officer Mustafich shall receive credit for the twenty-six (26) days he was on interim suspension in this matter and the remaining two (2) days shall be held in abeyance for two years on condition that Officer Mustafich not receive any sustained complaint of misconduct during the two years. Officer Mustafich shall attend the next Police Academy recruit training blocks concerning crime scene protection and property processing and evidence collection.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 10-01

DECISION-HEARING OF OFFICER CARLOS J. MUSTAFICH (FILE NO. C99-156 JWA)

WHEREAS, on January 10, 2001, Chief of Police Fred H. Lau of the San Francisco Police Department, made and served amended charges against Officer Carlos J. Mustafich, as follows:

AMENDED CHARGES:

SPECIFICATION NO. 1

Failure to follow written and oral orders (violation of Rule 10 of Department General Order 2.01 of the San Francisco Police Department);

(1) At all times herein mentioned Carlos J. Mustafich, Star Number 1774, (referred to as "the accused") was a police officer, employed by the San Francisco Police Department assigned to the Field Operations Bureau, Taraval Police District. The accused has not completed his probationary period;

(2) As a member of the department, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On July 19, 1999, the accused worked the 2100-0700 shift at Taraval Station. The accused was assigned as unit designator 3114E working with another officer;

(4) At 0230 hours on July 20, 2000, the accused was dispatched to a report of a physical fight stemming from a ht and run accident at Judah Street and Lower Great Highway in San Francisco;

(5) When the accused and his partner responded to the assignment, the involved parties were absent from the scene. A witness approached the officers and described a hit and run automobile collision with a parked car; he also described two people who exited the automobile that hit the parked car; and described a physical fight which occurred between the two people who had been in the automobile. The witness handed the officers a cellular telephone which he said had been dropped by one of the two people involved in the hit and run, and the subsequent physical fight. At the time the cellular telephone was in pieces as it appeared the batter had become separated from the telephone which was also broken. The witness then walked away;

(6) The accused's partner, who was senior to him, told the accused to put it in the report and book the telephone as property for identification. The accused told his partner he was going to throw the cellular telephone in the garbage. The accused's partner again told the accused to book the telephone. The accused and his partner then searched the area for the

described parties without success;

(7) The accused did not write a timely report concerning the incident and did not book the cellular telephone as property for identification;

(8) The accused, by failing to book the cellular phone and his failure to write a timely report of the hit and run vehicle violated Rule 10 of Department General Order 2.01 which states:

"10. WRITTEN ORDERS. Members shall obey all written orders, policies and procedures of the Department, and promptly obey all lawful written or verbal directives of superiors."

SPECIFICATION NO. 2

Engaging in conduct which subverts the order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

(9) Each and every allegation contained in paragraphs (1) through (8), inclusive, of Specification No. 1 above is incorporated herein by reference and is realleged as though set forth in full;

(10) The accused took the cellular telephone home with him at the end of his shift, explaining to his partner that he intended to throw it in the garbage. On the evening of July 21, 2000, at the beginning of the shift, his partner checked to see if the accused had booked the cellular telephone. A sergeant learned of the existence of the telephone and that it had not been booked;

(11) When the accused reported for duty at 2100 hours on July 21, 2000, the sergeant asked the accused what happened to the cellular telephone the witness had given him on July 20, 2000. The accused told the sergeant that he threw it in the trash, and that the telephone was in the trash at his house. The sergeant told the accused to retrieve the telephone and about an hour later, the accused presented the broken telephone to the sergeant;

(12) Rule I-A of Department General Order 6.15 states:

"A. RESPONSIBILITIES. The member who first receives or takes property is responsible for it until the item is processed as property for identification and is received at the district station or at the Property Control Section."

(13) The accused, by not booking the telephone, but by taking it home, engaged in conduct which violated Department General Order 6.15, any reasonable police officer must know that such conduct violates the standards of the department and is cause for discipline or dismissal from employment; therefore, such conduct violates Rule 9 of Department General Order 2.01, which states:

"MISCONDUCT. Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

SPECIFICATION NO. 3

(14) Each and every allegation contained in paragraphs (1) through (8), inclusive, of Specification No. 1 and paragraphs (10) and (11) of Specification No. 2 above, is incorporated herein by reference and is realleged as though set fort in full;

(15) Rule I-A-5-d of Department General Order 1.03 requires officers to "Make written reports of crimes observed or brought to their attention that have not been previously reported. Book all property and evidence in their custody prior to reporting off-duty." And Rule I-A-9 of Department General Order 1.03 requires that patrol officers "submit every arrest and non-arrest report to a superior officer prior to reporting off duty."

(16) On July 20, 2000, at 0700 hours, the accused ended his tour of duty. The accused did not book the cellular telephone and did not make a police report of the property for identification;

(17) On July 21, 2000, after the accused admitted he had thrown the telephone into the trash at his home, the sergeant told the accused to book the broken telephone and to write a police report regarding the property. The accused wrote a police report stating that he found the cellular telephone only after he was advised to do so by the sergeant;

(18) The accused's neglect to write a police report before he went off duty and his neglect to put the full facts in the report he finally wrote relating the circumstances under which the cell phone came into police custody, violated his duty to report set forth in Department General Order 1.02; any reasonable police officer must know that such conduct violates the standards of the department and is cause for discipline; therefore, such conduct violates Rule 9 of Department General Order 2.01, which states:

"MISCONDUCT. Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Appendix A, Section A 8.343 of the Charter of the City and County of San Francisco on January 24, 2001 where the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Carlos J. Mustafich's admission, the Commission finds the allegations contained in Specifications No. 1, 2 & 3 of the amended charges as preferred by Chief of Police Fred H. Lau against Officer Mustafich are sustained; and the Commission adopts the sustained specification as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety, and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1 Sustained

SPECIFICATION NO. 2 Sustained

SPECIFICATION NO. 3 Sustained

That Officer Carlos J. Mustafich be suspended for twenty-eight (28) days and that Officer Mustafich shall receive credit for the twenty-six (26) days he was on interim suspension in this matter and the remaining two (2) days shall be held in abeyance for two (2) years on condition that Officer Mustafich not receive any sustained complaint of misconduct during the two years. Also, Officer Mustafich shall attend the next Police Academy recruit training blocks concerning crime scene protection and property processing and evidence collection.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time and within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Herrera, Chan, Perry, Friday, Quaranta

Thereafter, the meeting was adjourned at 6:00 p.m.

_____

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DENNIS HERRERA
President

SIDNEY CHAN
Vice President

CONNIE PERRY
Commissioner

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

LT. MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JANUARY 31, 2001
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Announcements
   a. Motion of Calendaring of New Items
   b. Election of Officers
5. Chief's Announcements and Review of Recent Department Events
6. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
7. Status Report re: Staffing
8. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)
9. Hearing and Disposition on Disciplinary Charges filed against Officer Edward H. Hunt, Central (File No. C00-245 JWA)
10. Hearing and Disposition on Disciplinary Charges filed against Officer Michael D. Nelson, Bayview (File No. C99-279 JWA)

CONSENT CALENDAR

1. Request of Inspector James G. Bosch, Hit and Run Detail, for Approval to Accept Gift of a $100 Gift Certificate for Scott's Seafood from Mr. Patrick E. Maquire

(The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.)

*There will be Public Comments on any item before or during discussion of each item.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-7724; FAX (415) 554-5163; E-mail: Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website at www.ci.sf.ca.us/bdsupvrs/sunshine

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language Interpreters or computer aided real time captioning will be made available upon advance request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406(tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in **alternate formats** (computer disk, cassette tape, large print or Braille) upon advance request at least 72 hours at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553 1343 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at the Hall of Justice, 850 Bryant Street, 5th floor Police Commission Hearing Room. The closest accessible BART station is 5th and Mission Streets. Accessible MUNI lines serving this location are 42 and 9X San Bruno Express.

For information about MUNI service call 923 6142

Accessible parking is available in front of the Hall of Justice, 850 Bryant Street.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting call 553 1667(v) or 553 9194 (tty)

JANUARY 31, 2001 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Herrera, Chan, Perry, Friday, Quaranta

Taken out of order.

HEARING OF OFFICER EDWARD H. HUNT, SUPPORT SERVICES (FILE NO. C00-245 JWA)

The hearing of Police Officer Edward H. Hunt, Star No. 186, was called it having been set for this date. Officer Hunt was charged, in a properly verified complaint by Chief of Police Fred H. Lau of the San Francisco Police Department, with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1
Engaging in conduct which subverts the order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 2
Engaging in conduct which subverts the order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

Officer Edward H. Hunt appeared in person and was represented by Mr. James Collins, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Hunt admitted to the specifications contained in Specifications No. 1 and 2 of the charges contained in File No. C00-245 JWA. Officer Hunt personally affirmed the admission in these matters and accepts responsibility for his actions.

Based on Officer Hunt's admission, the Commission requested a recommendation from Chief of Police Fred H. Lau. It is the recommendation of the Chief of Police that Officer Edward H. Hunt be suspended for thirty (30) days. Officer Hunt shall receive credit for the ten (10) days he was on interim suspension in this matter. Officer Hunt shall serve one (1) more day and the remaining nineteen (19) days shall be held in abeyance for two (2) years on condition that Officer Hunt not receive any sustained complaint of misconduct during the two (2) years.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 13-01

DECISION-HEARING OF OFFICER EDWARD H. HUNT, SUPPORT SERVICES (FILE NO. C00-245 JWA)

WHEREAS, on January 2, 2001, Fred H. Lau, Chief of Police of the San Francisco Police Department, made and served amended charges against Officer Edward H. Hunt, as follows:

SPECIFICATION NO. 1

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Engaging in conduct which subverts the order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

(1) At all times herein mentioned, Edward H. Hunt, Star Number 186, (referred to as "the accused") was a police officer employed by the San Francisco Police Department assigned to the Field Operation Bureau, Central Police District;

(2) As a member of the department, the accused was and is responsible for knowing and obeying the rules, orders, and procedures of the San Francisco Police Department;

(3) On July 21, 2000, at 0900 hours, the accused was off duty and dressed in civilian clothes. The accused had worked the night before and his shift ended at 0700 hours. After work, he and other officers went to a bar and drank beer together. After consuming approximately five (5) beers, the accused left the bar. The accused drove his personal vehicle to the area of Ellis Street and Hyde Street, San Francisco, California;

(4) On July 21, 2000, at 0900 hours, near the intersection of Ellis Street and Hyde Street, a San Francisco Police Department officer assigned to the Vice Crimes Division was working as a decoy prostitute in an undercover sting operation. The accused saw the undercover officer, stopped, and caught her attention. She approached him as he sat in his stopped automobile and they negotiated a price of $60.00 for the undercover officer to perform a sex act on the accused. The accused was then arrested for soliciting an act of prostitution;

(5) The accused, by soliciting an act of prostitution, engaged in conduct which, in a criminal context, violates California Penal Code §647(b); any reasonable police officer must know that such conduct violates the standards of the department and is cause for discipline or dismissal from employment; therefore, such conduct violates Rule 9 of Department General Order 2.01, which states:

"MISCONDUCT. Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

SPECIFICATION NO. 2

Engaging in conduct which subverts the order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

(6) Each and every allegation contained in paragraphs (1) through (5) from Specification No. 1 above is realleged and incorporated by reference;

(7) When the accused was arrested, he had an open container of beer in the passenger compartment of his automobile;

(8) The accused, by driving an automobile on the streets of San Francisco with an open container of alcohol, engaged in conduct which, in a criminal context, violates California Vehicle Code §23222, any reasonable police officer must know that such conduct violates the standards of the department and is cause for discipline or dismissal from employment; therefore, such conduct violates Rule 9 of Department General Order 2.01,

which states:

"MISCONDUCT. Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Appendix A, Section A 8.343 of the Charter of the City and County of San Francisco on January 24, 2001 where the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Edward H. Hunt's admission, the Commission finds the allegations contained in Specifications No. 1 & 2 of the charges as preferred by Chief of Police Fred H. Lau against Officer Hunt are sustained; and the Commission adopts the sustained specification as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety, and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1 Sustained

SPECIFICATION NO. 2 Sustained

That Officer Edward H. Hunt be suspended for thirty (30) days. Officer Hunt shall receive credit for the ten (10) days he was on interim suspension in this matter. Officer Hunt shall serve one (1) more day and the remaining nineteen (19) days shall be held in abeyance for two (2) years on condition that Officer Hunt not receive any sustained complaint of misconduct during the two (2) years; and

That said one (1) day suspension shall commence on Friday, February 2, 2001, at 0100 hours, and terminate on the same day at 2400 hours.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time and within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Chan, Perry, Herrera, Friday, Quaranta

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 11-01

APPROVAL OF REQUEST OF INSPECTOR JAMES G. BOSCH, HIT AND RUN DETAIL, TO ACCEPT GIFT OF A $100 GIFT CERTIFICATE FOR SCOTT'S SEAFOOD FROM MR. PATRICK E. MAGUIRE

RESOLVED, that the Police Commission hereby approve request of Inspector James G. Bosch, Hit and Run Detail, to accept gift of a $100 gift certificate for Scott's Seafood from Mr. Patrick E. Maguire.

AYES: Commissioners Chan, Perry, Herrera, Friday, Quaranta

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

b. Election of Officers

RESOLUTION NO. 12-01

ELECTION OF OFFICERS FOR THE POLICE COMMISSION

RESOLVED, that, the Police Commission elected Commissioner Sidney Chan as President of the Police Commission and Commissioner Connie Perry as Vice President.

AYES: Commissioners Herrera, Chan, Perry, Friday, Quaranta

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau announced that Deputy Chief John Portoni will be retiring and that Commander Pisciotto will fill in.

The Commission thanked Deputy Chief Portoni.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Director Dunlap announced that Samara Marion had baby girl last night, 1/30/01.

STATUS REPORT RE: STAFFING

Commander Bruce presented staffing report and discussed long-range plan – Appointments vs. attrition.

Commissioner Herrera asked that Commissioner Friday work as liaison with command staff.

Commissioner Chan asked for organizational chart.

HEARING OF OFFICER MICHAEL D. NELSON, BAYVIEW (FILE NO. C99-279 JWA)

The hearing of Police Officer Michael D. Nelson, Star No. 1676, was called it having been set for this date. Officer Nelson was charged, in a properly verified complaint by Chief of Police Fred H. Lau of the San Francisco Police Department, with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

Officer Michael D. Nelson appeared in person and was represented by Mr. James Collins, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Nelson admitted to the specification contained in Specification No. 1 of the charges contained in File No. C99-279 JWA. Officer Nelson personally affirmed the admission in these matters and accepts responsibility for his actions.

Based on Officer Nelson's admission, the Commission requested a recommendation from Chief of Police Fred H. Lau. It is the recommendation of the Chief of Police that Officer Michael D. Nelson be suspended for thirty (30) days. Officer Nelson shall receive credit against this thirty (30) days for the five (5) days he was on interim suspension in this matter. The remaining twenty-five (25) days shall be held in abeyance for two (2) years from today on the following conditions: That he not receive any sustained complaint for misconduct during those two (2) years.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 14-01

DECISION-HEARING OF OFFICER MICHAEL D. NELSON, BAYVIEW (FILE NO. C99-279 JWA)

WHEREAS, on January 2, 2001, Fred H. Lau, Chief of Police of the San Francisco Police Department, made and served charges against Officer Michael D. Nelson, as follows:

SPECIFICATION NO. 1
Engaging in conduct which subverts the order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

(1) At all times herein mentioned, Michael D. Nelson, Star Number 1676, (referred to as "the accused") was a police officer employed by the San Francisco Police Department assigned to the Field Operation Bureau, Bayview Police District;

(2) As a member of the department, the accused was and is responsible for knowing and obeying the rules, orders, and procedures of the San Francisco Police Department;

(3) On November 25, 1999, at 0147 hours, the accused was off duty and dressed in civilian clothes. At that time, the accused was present in a bar named the Union Jack Pub located in Pleasanton, California, when the bartender announced last call and asked all the patrons to leave the premises as required by law;

(4) In connection with the last call announcement, a disturbance broke out in the club and two on duty police officers in full uniform, who were in the club on a routine patrol security check of the bar, approached the scene of the trouble. One of the police officers was a member of the Livermore Police Department assigned to patrol duties with the Pleasanton Police Officer;

(5) The officers approached one man who was facing a group of men and urging them to leave the club, as they started talking with him, the accused stepped in front of the officers and, using coarse language, threatened to injure the man outside the bar;

(6) The two uniformed police officers directed the accused to step back, the accused responded by squaring off against one of the officers in what the officers perceived as a threatening manner. The accused was described as exhibiting a very rigid posture and spoke to the officers in course language. The officers ordered the accused to leave the bar and the accused refused to comply, the officers described the accused as appearing very intoxicated. Because of the accused's aggressive behavior toward the officers, they each grasped one of his arms and walked him outside the

bar;

(7) The accused repeatedly identified himself to the two officers as a member of the San Francisco Police Department. The accused continued his resistence and finally one of the uniformed officers holding him stated his intention to perform a custodial arrest of the accused. The accused struggled, trying to keep the officers from handcuffing him. Because of the struggle, the accused and the two uniformed officers fell to the ground. The accused sustained abrasions to his face during the struggle;

(8) Paramedics came to the bar and provided first aid to the accused. While the paramedics attended to him, the accused continued to berate the officers, threaten them, and challenge them to take the handcuffs off and fight with him. The accused asked to go to the hospital to get his injury checked out. On the way to the ambulance with one of the officers, the accused told the officer that he would never treat cops the way he had been treated. The officer reminded the accused of his dispute with another patron, threats to the patron, threats to the officers and his resistence inside the bar, and the accused replied that he did not remember behaving in the manner described. The accused was taken to Valleycare Memorial Hospital where he was treated in the emergency room. After he was released from the hospital, the accused was arrested and booked into Alameda County Jail in Santa Rita, California, for Penal Code violations associated with drunk and disorderly conduct. The arrests resolved with the accused pleading guilty to violating Penal Code §415(1) [fighting in a public place or challenges another person in a public place to fight] and Penal Code §647(f) [disorderly conduct public intoxication], both misdemeanors;

(9) The accused, by engaging in disruptive conduct in a public, engaged in conduct which, in a criminal context, violates California Penal Code §§415(1) and 647(f); any reasonable police officer must know that such conduct violates the standards of the department and is cause for discipline or dismissal from employment; therefore, such conduct violates Rule 9 of Department General Order 2.01, which states:

"MISCONDUCT. Any breach of the peace, neglect of duty, misconduct or any conduct by an officer either within or without the State that tends to subvert the order, efficiency, or discipline of the Department, or reflects discredit upon the Department or any member or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Appendix A, Section A 8.343 of the Charter of the City and County of San Francisco on January 31, 2001 where the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Michael Nelson's admission, the Commission finds the allegations contained in Specification No. 1 of the charges as preferred by Chief of Police Fred H. Lau against Officer Nelson are sustained; and the Commission adopts the sustained specification as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety, and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1 Sustained

That Officer Michael D. Nelson be suspended for thirty (30) days. Officer Nelson shall receive credit against this thirty (30) days for the five (5) days he was on interim suspension in this matter. The remaining twenty-five (25) days shall be held in abeyance for two (2) years from the date of this hearing on the following conditions: That Officer Nelson not receive any sustained complaint for misconduct during these two (2) years.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time and within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Chan, Perry, Herrera, Friday, Quaranta

PUBLIC COMMENTS

None

Thereafter, the meeting was adjourned at 6:05 p.m.

_____

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DENNIS HERRERA
President

SIDNEY CHAN
Vice President

CONNIE PERRY
Commissioner

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

LT MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, FEBRUARY 7, 2001
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance
2. Roll Call
3. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer David M. Burns, Mission, (File No. C00-439 JWF)
4. Police Commission Announcements
   a. Motion of Calendaring of New Items
5. Chief's Announcements and Review of Recent Department Events
6. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
7. Presentation of OCC's Third Quarter 2000 Early Warning System Report
8. Discussion and Action re: Procedure for Commission Review of Officer-Involved Shooting Reports
9. Request of the Chief of Police for Approval to Grant Commissioned Officers and Investigations Bureau Members Selected to Test Compact Firearms an Exemption from the Requirements of Department General Order 10.02, Section I.B.1, for the Limited Purpose of Assisting Police Range Personnel in Evaluation of those Weapons
10. Public Comments
    (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

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SAN FRANCISCO POLICE COMMISSION
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FEBRUARY 7, 2001 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Herrera, Friday, Quaranta

RESOLUTION NO. 15-01

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER DAVID M. BURNS, MISSION (FILE NO. C00-439 JWF)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in disciplinary charges filed against Officer David M. Burns, Star No. 862, Mission, was called it having been set for this date; and

WHEREAS, Commissioner Angelo Quaranta is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer David M. Burns; therefore be it

RESOLVED, that Commissioner Angelo Quaranta is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer David M. Burns, and is to be set at a later date.

AYES: Commissioners Chan, Perry, Herrera, Friday, Quaranta

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Chan thanked the Commission for election of President of the Commission and thanked Commissioner Herrera for service as president.

Commissioner Herrera will replace Commission Perry as liaison with the OCC.

Commissioner Quaranta asked for resolution thanking Commission Herrera and resolution thanking Lt. Barretta for past services.

Commissioner Herrera and Commission Friday thanked Lt. Barretta.

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CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Assistant Chief Sanders congratulated Commissioners Chan and Perry for election as President and Vice President and thanked Commissioner Herrera.

Chief Sanders also stated that budget will be calendared for next week, 2/14/01.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Director Dunlap thanked Lt. Barretta for his service and updated the Commission regarding staffing.

PRESENTATION OF OCC'S THIRD QUARTER 2000 EARLY WARNING REPORT

Director Dunlap presented Early Warning Report and suggested that General Order 3.19 be revised to eliminate proper conduct category.

DISCUSSION AND ACTION RE: PROCEDURE FOR COMMISSION REVIEW OF OFFICER-INVOLVED SHOOTING REPORTS

Margaret Baumgartner, City Attorney, briefed the Commission on procedure regarding officer-involved shootings and suggested review of procedure.

Commissioner Herrera expressed concerns of the Commission.

Mary Dunlap discussed concerns regarding backlog of cases.

Commissioner Herrera motioned and Commissioner Perry second that red folders not be sent to the Commission. Approved 5-0.

RESOLUTION NO. 17-01

APPROVAL OF REQUEST OF THE CHIEF OF POLICE TO GRANT COMMISSIONED OFFICERS AND INVESTIGATIONS BUREAU MEMBERS SELECTED TO TEST COMPACT FIREARMS AN EXEMPTION FROM THE REQUIREMENTS OF DEPARTMENT GENERAL ORDER 10.02, SECTION I.B.1, FOR THE LIMITED PURPOSE OF ASSISTING POLICE RANGE PERSONNEL IN EVALUATION OF THOSE WEAPONS

WHEREAS, the Police Range is investigating the suggestion that "commissioned" officers and members of the Investigations Bureau should be allowed to carry a more compact firearm than the two "Beretta" models that are presently authorized for use in Department General Order 10.02; and

WHEREAS, the next phase of the firearm evaluation, Police Range personnel will train selected officers (including members of the "command staff") in the use of the weapons, and then for a limited time allow those officers to actually wear the compact firearms "on-duty;" and

WHEREAS, in order to allow those selected officers the ability to carry the test firearms, there needs to be an exemption created for them from the requirements of General Order 10.02, Section I.B.1. Without exemption, those officers would technically be in violation of Section I.B.1 because that provision restricts officers to carrying only the two Beretta weapons mentioned above when on-duty; therefore, be it

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to grant the officers selected to test the compact firearms an exemption from the requirements of Department General Order 10.02, Section I.B.1 for the limited purpose of assisting Police Range personnel in evaluation of those weapons.

AYES: Commissioners Chan, Perry, Herrera, Friday, Quaranta

PUBLIC COMMENTS

None

Thereafter, the meeting was adjourned at 6:15 p.m.

_____

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DENNIS HERRERA
President

SIDNEY CHAN
Vice President

CONNIE PERRY
Commissioner

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

LT. MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, FEBRUARY 14, 2001
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Announcements
   a. Motion of Calendaring of New Items
5. Chief's Announcements and Review of Recent Department Events
6. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
7. Discussion and Action re: Request of the Chief of Police to Withdraw Disciplinary Charges for Resolution by the Chief of Police in the Matter of Inspector Daniel Yawczak, Burglary (File Nos. C96-119[273] JWA & C45-272 JWA)
8. Discussion and Action re: Request of the Chief of Police to Withdraw Disciplinary Charges for Resolution by the Chief of Police in the Matter of Inspector Gregory L. Ovanessian, Fraud (File Nos. C96-118[271] JWA & C45-271 JWA)
9. Discussion and Action re: Request of the Chief of Police to Withdraw Disciplinary Charges for Resolution by the Chief of Police in the Matter of Sergeant Michael J. Gallegos, Southern (File No. C00-154 JWA)
10. Discussion and Action re: OCC Proposed Budget for Fiscal Year 2001 - 2002
11. Discussion and Action re: SFPD Proposed Budget for Fiscal Year 2001 -2002
12. Public Comments
    (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DENNIS HERRERA
President

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CONNIE PERRY
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WAYNE FRIDAY
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ANGELO QUARANTA
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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, FEBRUARY 14, 2001
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

CONSENT CALENDAR

1. Request of the Chief of Police to Accept a $250.00 Donation from Mr. Henry Fuller to be Added to the Southern Station's Floral Fund

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FEBRUARY 14, 2001 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:30 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Herrera, Friday, Quaranta

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 20-01

APPROVAL TO ACCEPT DONATION OF $250.00, FROM MR. HENRY FULLER TO BE ADDED TO THE SOUTHERN STATION'S FLORAL FUND

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donation of $250.00, from Mr. Henry Fuller to be added to the Southern Station's Floral Fund.

AYES: Commissioners Chan, Perry, Herrera, Friday, Quaranta

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

None

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau stated that Commander Bruce was involved in an arrest of a robbery suspect.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Director Dunlap discussed interviews for staff openings.

RESOLUTION NO. 21-01

WITHDRAWAL OF DISCIPLINARY CHARGES FILED AGAINST INSPECTOR DANIEL YAWCZAK, BURGLARY (File Nos. C96-119[273] JWA & C45-272 JWA)

WHEREAS, Chief of Police Fred H. Lau requests that the disciplinary charges filed against Inspector Daniel Yawczak, Burglary, be withdrawn and that it will be handled administratively; therefore be it

RESOLVED, that the disciplinary charges filed against Inspector Daniel Yawczak be withdrawn and taken off calendar.

AYES: Commissioners Chan, Perry, Herrera, Friday, Quaranta

RESOLUTION NO. 22-01

WITHDRAWAL OF DISCIPLINARY CHARGES FILED AGAINST INSPECTOR GREGORY L. OVANESSIAN, FRAUD (File Nos. C96-118[271] JWA & C45-271 JWA)

WHEREAS, Chief of Police Fred H. Lau requests that the disciplinary charges filed against Inspector Gregory L. Ovanessian, Fraud, be withdrawn and

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that it will be handled administratively; therefore be it

RESOLVED, that the disciplinary charges filed against Inspector Gregory L. Ovanessian be withdrawn and taken off calendar.

AYES: Commissioners Chan, Perry, Herrera, Friday, Quaranta

RESOLUTION NO. 23-01

WITHDRAWAL OF DISCIPLINARY CHARGES FILED AGAINST MICHAEL J. GALLEGOS, SOUTHERN STATION (File No. C00-154 JWA)

WHEREAS, Chief of Police Fred H. Lau requests that the disciplinary charges filed against Sgt. Michael Gallegos, Southern Station, be withdrawn and that it will be handled administratively; therefore be it

RESOLVED, that the disciplinary charges filed against Sgt. Michael Gallegos be withdrawn and taken off calendar.

AYES: Commissioners Chan, Perry, Herrera, Friday, Quaranta

Taken out of order.

RESOLUTION NO. 19-01

APPROVAL OF PROPOSED SFPD BUDGET FOR FY 01-02

RESOLVED, that the Police Commission hereby approves proposed SFPD Budget for fiscal year 01-02.

AYES: Commissioners Herrera, Chan, Perry, Friday, Quaranta

RESOLUTION NO. 18-01

APPROVAL OF PROPOSED OCC BUDGET FOR FY 01-02

RESOLVED, that the Police Commission hereby approves proposed OCC Budget for fiscal year 01-02 in the amount of $2,856,538.

AYES: Commissioners Herrera, Chan, Perry, Friday, Quaranta

PUBLIC COMMENTS

None

Thereafter, the meeting was adjourned.

_____
Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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President

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WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

LT. MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, FEBRUARY 21, 2001
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Announcements
   1. Motion of Calendaring of New Items
5. Chief's Announcements and Review of Recent Department Events
6. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
7. Discussion and Action re: Amended Commission Procedure for Cases where the Chief of Police and the OCC Director Disagree on Whether Disciplinary Action is Appropriate
8. Discussion and Action re: Request of the Chief of Police to Amend Police Commission Resolution 37-00 regarding "James Denman Middle School Safety Program".
9. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

CONSENT CALENDAR

1. Request of the Chief of Police to accept a $100.00 donation from Mrs. Eiko Yamagishi to be added to the Park Station Floral Fund.

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SAN FRANCISCO POLICE COMMISSION
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FEBRUARY 21, 2001 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Herrera, Friday, Quaranta

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 24-01

APPROVAL OF REQUEST OF THE CHIEF OF POLICE TO ACCEPT $100.00 DONATION FROM MRS. EIKO YAMAGISHI TO BE ADDED TO THE PARK STATION FLORAL FUND

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept $100.00 donation from Mrs. Eiko Yamagishi to be added to the Park Station Floral Fund.

AYES: Commissioners Chan, Perry, Herrera, Friday, Quaranta

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Chan announced that next week's regular meeting will be held in the Tenderloin District at 6 p.m.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Assistant Chief Sanders for Chief Lau congratulated Deputy Chief Pengel for her assistance in getting retired Inspector Hendrix to return to head the Witness Protection Program.

Commissioner Chan welcomed back Deputy Chief Welch for his return from disability leave.

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OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Director Dunlap welcomed Deputy Chief Welch and thanked him for his assistnace in getting OCC on line with the HRMS system. She also thanked Assistant Chief Sanders for his quick response regarding sending to OCC the results of MCD investigations of officer-involved shooting cases.

RESOLUTION NO. 25-01

APPROVAL OF AMENDED POLICE COMMISSION PROCEDURE FOR CASES WHERE THE CHIEF OF POLICE AND THE OCC DIRECTOR DISAGREE ON WHETHER DISCIPLINARY ACTION IS APPROPRIATE

RESOLVED, that the Police Commission hereby approves amended Police Commission Procedure for cases where the Chief of Police and the OCC Director disagree on whether disciplinary action is appropriate, as follows:

POLICE COMMISSION PROCEDURE FOR CASES WHERE THE CHIEF OF POLICE AND OCC DIRECTOR DISAGREE ON WHETHER DISCIPLINARY ACTION IS APPROPRIATE

The following procedure sets forth the manner in which the Police

Commission, under its authority pursuant to Charter Section 3.530 to organize, reorganize and manage the Police Department ("the Department") and the Office of Citizen Complaints ("OCC"), will resolve disputes between the Director of the OCC and Chief of Police on whether or not disciplinary action is appropriate in cases involving the Department's uniformed personnel.

Whenever the OCC Director forwards a case to the Chief of Police, the OCC Director shall state in writing if he or she believes that the case should be heard before the Commission.

If the Chief of Police disagrees with the recommendation of the OCC Director that disciplinary action is warranted and that the case should be heard by the Police Commission, the Chief of Police shall, within the time limits specified by DGO 2.04(III)(A)(5), return the file to the OCC indicating the Chief's disagreement with the OCC Director's recommendation and the reasons for such disagreement.

Upon receipt of a disciplinary case from the Chief of Police indicating the Chief's disagreement with the OCC Director's recommendation that disciplinary action is warranted and that the case should be heard by the Police Commission, the OCC Director may reopen the investigation, if necessary, where consistent with laws governing the timeliness of sustained allegations (e.g., Government Code § 3304(D)). The OCC Director may prepare a verified complaint setting forth the acts complained of against the officer(s). The decision to prepare the verified complaint shall be at the discretion of the OCC Director.

Thereafter, the OCC Director shall forward the verified complaint to the Chief of Police. In addition, the OCC Director shall immediately inform the Commission in writing of any case where the OCC Director and the Chief, despite their good faith discussions, to be held and completed within 15 working days of the Chief's receipt of the verified complaint, fail to reach agreement on whether disciplinary action is warranted in a particular case, or whether the Commission should hear the matter.

Within 30 working days after receipt of a verified complaint from the OCC Director, the Chief of Police shall decide whether to file the verified complaint, thereby invoking the Commission's jurisdiction to hear the disciplinary charges against the officer. In determining whether to file the verified complaint with the Commission, the Chief shall give due weight to the verification of the complaint by the OCC Director and the Commission's stated policy that the Chief and OCC Director implement the Commission's policy to effectively respond to complaints of misconduct and to pursue discipline of errant officers. If the Chief decides not to file the verified complaint with the Commission, the Chief shall inform the Commission and OCC Director in writing of that decision and the reasons for that decision within 35 working days after receipt of the verified complaint.

Within 20 working days of receipt of the Chief's written decision not to file the verified complaint with the Commission, the Commission shall review the verified complaint and the Chief's decision and reasons therefor, and the Commission shall decide whether to recommend that the Chief file a disciplinary charge or charges with the Commission against one or more officers named in the verified complaint, or take other action as the Commission deems appropriate. In deciding whether to recommend charges as set forth above, the Commission shall consider the following, as to each officer named in the verified complaint: (1) Did the OCC have jurisdiction in the case under City Charter Section 4.127? (2) Does the complaint state facts sufficient to constitute misconduct by the officer(s) under the Department's General Orders? (3) Do the facts alleged in the verified complaint and Chief's response thereto establish an absolute defense to the charge(s)?

As part of its statistical reports, the OCC shall publish data regarding the implementation of this policy. This data shall include the number of disagreements, the number of complaints verified by the OCC Director, the number of Police Commission recommendations that the Chief of Police file these complaints, the allegations involved, and the final disposition of the allegations, whether or not the case was heard by the Police Commission.

AYES: Commissioners Chan, Perry, Herrera, Friday, Quaranta

RESOLUTION NO. 26-01

APPROVAL OF REQUEST OF THE CHIEF OF POLICE TO AMEND POLICE COMMISSION RESOLUTION 37-00 REGARDING THE "JAMES DENMAN MIDDLE SCHOOL SAFETY PROGRAM"

WHEREAS, on June 7, 2000, the Police Commission adopted Resolution No. 37-00 regarding the James Denman Middle School Program. It was discovered that the procedure for backfilling the position vacated under this program was unknowingly omitted from the resolution; and

WHEREAS, the Department is requesting that the original resolution be amended to reflect the backfill and ensure compliance with supplanting policy of the Office of Criminal Justice Planning; therefore, be it

RESOLVED, that the Police Commission hereby approves the amendment of Resolution No. 37-00 to reflect the backfill to ensure compliance with supplanting policy of the Office of Criminal Justice Planning.

AYES: Commissioners Chan, Perry, Herrera, Friday, Quaranta

PUBLIC COMMENTS

Ms. Andrea O'Leary addressed the Commission regarding dogs off leash in city parks and asked that more aggressive action be taken.

Thereafter, the meeting was adjourned.

_____
Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

1273/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DENNIS HERRERA
President

SIDNEY CHAN
Vice President

CONNIE PERRY
Commissioner

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

LT. MANUEL BARRETTA
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, FEBRUARY 28, 2001
6.00 p.m.

Tenderloin Police Station
Tenderloin Community Room
301 Eddy Street
San Francisco

DOCUMENTS DEPT.

FEB 26 2001

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1. Pledge of Allegiance
2. Roll Call
3. Police Commission Announcements
   1. Motion of Calendaring of New Items
4. Chief's Announcements and Review of Recent Department Events
5. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
6. Captain Steve Tacchini, Commanding Officer of Tenderloin Police Station, to address the Commission on Police Activities in the Tenderloin
7. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

*There will be Public Comments on any item before or during discussion of each item.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

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SAN FRANCISCO POLICE COMMISSION
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AGENDA

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Tenderloin Police Station
Tenderloin Community Meeting

301 Eddy Street

Wednesday, February 28, 2001, 5:30 p.m.

The Tenderloin Police Community Meeting will be held jointly with the San Francisco Police Commission Meeting this month. Captain Stephen Tacchini will be presenting pertinent information regarding the status of the Tenderloin District to the members of the Commission. The meeting will then be open for public comment. Please limit your remarks to two minutes.

Honored Guests will be:

President Sidney Chan
San Francisco Police Commission

Commissioner Connie Perry, Vice President
San Francisco Police Commission

Commissioner Wayne Friday
San Francisco Police Commission

Commissioner Dennis Herrera
San Francisco Police Commission

Commissioner Angelo Quaranta
San Francisco Police Commission

Chief of Police Fred Lau
San Francisco Police Department

Assistant Chief Earl Sanders
San Francisco Police Department

Deputy Chief Melinda Pengel
Investigations
San Francisco Police Department

Deputy Chief Gary Pisciotto
Airport Division
San Francisco Police Department

Deputy Chief William Welch
Administration
San Francisco Police Department

Deputy Chief Heather Fong
Field Operations Bureau
San Francisco Police Department

Commander Richard Bruce
Field Operations Bureau
San Francisco Police Department

Commander Greg Suhr
Special Operations Division
San Francisco Police Department

Commander Sylvia Harper
Airport Division
San Francisco Police Department

Director Mary Dunlap
Office of Citizens' Complaints

FEBRUARY 28, 2001 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in the Tenderloin District at the Tenderloin Police Station Community Room, 301 Eddy Street, San Francisco, at 6:00 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Herrera, Friday, Quaranta

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

The Commission introduced themselves and Commissioner Chan announced that there would no meeting next week, 3/7/01.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau introduced the Command Staff and deferred his time to Captain Tacchini.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Director Dunlap introduced herself and described duties and function of the OCC.

CAPTAIN STEVE TACCHINI, COMMANDING OFFICER OF TENDERLOIN POLICE STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE TENDERLOIN

Captain Tacchini welcomed the Commission and the citizens and described activities in the District.

PUBLIC COMMENTS

Supervisor Daly addressed the Commission regarding his pledge to support the captain in his efforts for the district.

For the next 40 minutes, 24 citizens addressed the Commission and the Captain regarding their concerns in the district.

Thereafter, the meeting was adjourned at 7:15 p.m.

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DENNIS HERRERA
President

SIDNEY CHAN
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CONNIE PERRY
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WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING

There will be no Police Commission Regular Meetings on ***Wednesday, MARCH 7, 2001.***

The next Police Commission Regular Meeting is scheduled for **Wednesday**, **March 14, 2001**, 5:30 p.m., at Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, Room 551.

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

DENNIS HERRERA
President

SIDNEY CHAN
Vice President

CONNIE PERRY
Commissioner

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

LT MANUEL BARRETTA
Secretary

REGULAR MEETING

WEDNESDAY, march 14, 2001

5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

Fax 3/9/01
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1. Pledge of Allegiance

2. Roll Call

3. Police Commission Announcements
   a. Motion of Calendaring of New Items

4. Notice of Sgt. Allen Siegel's withdrawal of appeal from Chief's suspension (File No. D98-001 JWA).

5. Chief's Announcements and Review of Recent Department Events

6. OCC Director's Report re: Staffing and Budget and Summary of Recent Events

7. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

8. Hearing and disposition on disciplinary charges filed against Officer Lisa Frazier (File No. C99-156 JWA)

**There will be Public Comments on any item before or during discussion of each item.*

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SAN FRANCISCO POLICE COMMISSION
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MARCH 14, 2001 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Friday, Quaranta
ABSENT: Commissioner Herrera

POLICE COMMISSION ANNOUNCEMENTS

a. **Motion of Calendaring of New Items**

No report.

RESOLUTION NO. 24-01

NOTICE OF WITHDRAWAL OF APPEAL OF THE CHIEF'S SUSPENSION IMPOSED ON SERGEANT ALLEN SIEGEL, PARK STATION (FILE NO. D98-001 JWA)

WHEREAS, a letter was received from Ms. Kathy Mahoney, Attorney at Law, representing Sergeant Allen Siegel, Park Station, withdrawing his appeal of the Chief's suspension imposed on Sergeant Allen Siegel; therefore be it

RESOLVED, the request for withdrawal of appeal of the Chief's suspension imposed on Sergeant Allen Siegel, Park Station, is hereby approved.

AYES: Commissioners Chan, Perry, Friday, Quaranta
ABSENT: Commissioner Herrera

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CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Assistant Chief Sanders, for Chief Lau, briefed the Commission on recent department events. He also discussed in-custody death at Tenderloin Station last week.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Director Dunlap introduced Ms. Heidi Machen, Attorney at Law, hired temporarily while Samara Marion is on maternity leave.

PUBLIC COMMENTS

None

HEARING OF OFFICER LISA FRAZER, SOUTHERN (FILE NO. C99-156 JWA)

The hearing of Police Officer Lisa Frazer, Star No. 1056, was called it having been set for this date. Officer Frazer was charged, in a properly verified complaint by Acting Chief of Police Richard Holder of the San Francisco Police Department, with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which subverts the order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 3

Engaging in conduct which subverts the order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

Officer Lisa Frazer appeared in person and was represented by Mr. James Collins, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The Department entered a motion to amend charges filed against Officer Frazer. The Commission approved motion to amend charges.

Officer Frazer admitted to the specifications contained in Specifications No. 1, of amended charges contained in File No. C99-156 JWA. Officer Frazier personally affirmed the admission in these matters and accepts responsibility for her actions.

Based on Officer Frazer's admission, the Commission requested a recommendation from Chief of Police Fred H. Lau. It is the recommendation of the Chief of Police that Officer Lisa Frazer be suspended for one hundred twenty (120) days. Officer Frazer shall receive credit for the forty-three (43) days she was on interim suspension in this matter and the remaining seventy-seven (77) days shall be held in abeyance for two years on condition of Officer Frazer not receive any sustained complaint of misconduct during the two years.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 25-01

HEARING OF OFFICER LISA FRAZER, SOUTHERN
(FILE NO. C99-156 JWA)

WHEREAS, on March 14, 2001, Prentice Sanders, Acting Chief of Police of the San Francisco Police Department, made and served amended charges against Officer Lisa Frazer, as follows:

AMENDED
SPECIFICATION NO. 1

Engaging in conduct which subverts the order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

(1) At all times herein mentioned Lisa Frazer, Star Number 1056, (after this called "the accused") was a police officer, employed by the San Francisco Police Department assigned to Mission Station and then to Support Services Division and now on interim suspension.

(2) As a police officer the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) For approximately the six months preceding June 2, 1999, the accused was involved in a relationship with a woman, (the victim) who lived in San Carlos, California. At some point in late May, 1999, the victim decided that she wanted to end the relationship.

(4) On June 2, 1999, the accused worked a midnight shift at Mission Station. After the end of her shift the accused left San Francisco, drove to San Carlos, entered the victim's residence at 0530 hours and discovered another woman in the victim's bed. The accused was dressed in her San Francisco Police Department uniform without a gun belt but wearing a fanny pack, which the woman, who is also a police officer in another jurisdiction, believed contained a hand gun. The accused became angry, she grabbed the other woman's shoulder and dragged the other woman from the bed. The accused ordered the other woman to leave the premises. The accused threatened to injure or kill the other woman. The woman believed that the accused's threats were serious because in the past ten days she had received threatening E-Mail messages.

(5) On June 2, 1999, at about 0530 hours, while the other woman was dressing the accused stood nearby and did something with the fanny pack which sounded like she was zipping and unzipping the pack. The accused continued to berate the woman and threaten her until she left the house. Because of these messages which she believed to be threats and also believed to be from the accused the other woman was very afraid when the accused forced her to dress while the accused opened and closed the fanny pack she carried which she believed contained a gun.

(6) The woman left the premises but was worried about the victim. She called the victim and could hear the accused in the background cursing and threatening the woman and finally the call was cutoff. The woman went to the San Carlos Police Department and made a report of the battery and threats to her and requested a well being check of the victim.

(7) On June 2 and June 3, 1999, the San Carlos Police Department investigated the report of a battery and threats made by the woman set forth in Specification No. 1, at the victim's residence in San Carlos. The officers took the victim's report of the event and on June 3, 1999, contacted a judge for authorization to issue an emergency protective order. A San Mateo Superior Court Judge authorized the order and an order was prepared which required the accused to stay away from the victim, from the victim's 10 year old daughter and from the woman the accused assaulted on June 2, 1999 at the victim's home.

(8) The accused was served by an Oakland Police Officer with the Emergency Protective Order on June 4, 1999 at 1820 hours at her home in the East Bay.

(9) On June 4, 1999, the accused was personally served with Chief Lau's stay away order, ordering the accused to stay away from and not contact the victim, her daughter or the other woman.

(10) From the time the accused entered the victim's home in San Carlos, on June 2, 1999 through June 21, 1999 the accused violated the Emergency Protective Order and Chief Lau's order by contacting the victim through two friends. The friends sent many E-Mails to the victim over computers and used computer chat rooms to discuss matters concerning the accused and her need for contact with the victim. These contacts included attempts to dissuade the victim from cooperating in the investigation by the San Carlos Police Department and the San Francisco Police Department Management Control Division.

(11) The accused by contacting the victim through intermediaries engaged in conduct which violates Department General Order 2.01, Rule 10 which provides:

> **"10. Written Orders.** Members shall obey all written orders, policies and procedures of the Department, and promptly obey all lawful written or verbal directives if superiors."

12) On June 15 and June 16, 1999, the accused communicated directly with the victim using another friends account on an Internet Service Provider. In the course of her communication she discouraged the victim form cooperating with the Management Control Investigation (which she called Internal Affairs). When interviewed the accused admitted to some of the direct and indirect contacts and denied others.

(13) The accused, by violating the Emergency Protective Order while it was in effect and by violating the Chief's written stay away order, has engaged in conduct which any reasonable police officer would recognize as conduct bringing discredit on the department and therefore he violated Rule 9 of Department General Order 2.01 of the San Francisco Police Department, which states:

> *"9. MISCONDUCT. Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."*

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Appendix A, Section A 8.343 of the Charter of the City and County of San Francisco on March 14, 2001 where the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Lisa Frazer's admission, the Commission finds the allegations contained in Specifications No. 1 of the amended charges as preferred by Chief of Police Fred H. Lau against Officer Frazer is sustained; and the Commission adopts the sustained specification as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety, and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1 Sustained

That Officer Lisa Frazer be suspended for one hundred twenty (120) days. Officer Frazer shall receive credit for the forty-three (43) days she was on interim suspension in this matter and the remaining seventy-seven (77) days shall be held in abeyance for two years on condition of Officer Frazer not receiving and sustained complaint of misconduct during the two years.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time and within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Chan, Perry, Friday, Quaranta
ABSENT: Commissioners Herrera

Thereafter, the meeting was adjourned.

_____
Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Vice President

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ANGELO QUARANTA
Commissioner

LT. EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, MARCH 21, 2001
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance
2. Roll Call
3. Assignment of Commissioner and Setting of Date for Taking of Evidence on Additional Disciplinary Charges filed against Officer Timothy P. Fitzgerald Southern Station (File No. C01-71 JWA)
4. Police Commission Announcements
   a. Motion of Calendaring of New Items
5. Chief's Announcements and Review of Recent Department Events
6. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
7. Discussion and Action re: OCC Annual Audit under SFPD General Order 8:10
8. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)
9. Hearing and Disposition on Disciplinary charges filed against Officer Edgar A. Gonzalez (File No. C98-171 JWA)

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MARCH 21, 2001 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Herrera, Friday, Quaranta

RESOLUTION NO. 26 - 01

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER TIMOTHY FITZGERALD, SOUTHERN STATION (FILE NO. C01-71 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in disciplinary charges filed against Officer Timothy Fitzgerald, Southern Station, was called it having been set for this date; and

WHEREAS, Commissioner Sidney Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Timothy Fitzgerald; therefore be it

RESOLVED, that Commissioner Sidney Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Timothy Fitzgerald, and is to be set at a later date.

AYES: Commissioners Chan, Perry, Herrera, Friday, Quaranta

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HEARING AND DISPOSITION ON DISCIPLINARY CHARGES FILED AGAINST OFFICER EDGAR A. GONZALEZ (FILE NO. C98-171 JWA)

Taken out of order. Put over to April 4th.

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

No announcements.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau deferred to Commander Bruce.

Commander Bruce, FOB, introduced Officers of the Month for January and February. January Officer of the Month is Officer Gerald Ramirez, Co. H, and February Officer of the Month is Officer Derrick Jackson. Commissioner Chan congratulated both officers.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Director Dunlap congratulated Officers Ramirez and Jackson.

PRESENTATION OF OCC ANNUAL AUDIT UNDER SFPD GENERAL ORDER 8.10

Donna Medley, OCC Chief Investigator, presented annual audit.

PUBLIC COMMENTS

Dennis Lawer, Pacific Heights Residence Association, spoke on the issue

of the film industry's disruption of neighborhood parking and asked the Commission to look at the problem.

Michael Poluszny discussed problem of prostitution.

Thereafter, the meeting was adjourned.

_____

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

1273/rct

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, MARCH 28, 2001
5:15 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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CLOSED SESSION

1. Roll Call

2. Public Comment on all matters pertaining to the Closed Session

3. Vote on whether to hold Closed Session and or assert Attorney /Client Privilege to confer with legal counsel (San Francisco Administration Code Section 67.11(a).)

4 Closed Session held pursuant to Government Code 54956.9 and San Francisco Administrative Code Section 67.11(b)

CONFERENCE WITH LEGAL COUNSEL-Existing Litigation

a. Yvette Augmon, el al v. City and County of San Francisco. United States District Court No. C99-4779 MMC

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SIDNEY CHAN
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CONNIE PERRY
Vice President

DENNIS HERRERA
Commissioner

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

LT. EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, MARCH 28, 2001
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance
2. Roll Call
3. Discussion and Vote on whether to Disclose Discussion and Disclosure of Action taken in Closed Section
4. Approval of Consent Calender
5. .Police Commission Announcements
   a. Motion of Calendaring of New Items
6. Chief's Announcements and Review of Recent Department Events
7. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
8. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

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**There will be Public Comments on any item before or during discussion of each item.*

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, MARCH 28, 2001
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

Consent calendar

1. Recommendation of the City Attorney for Settlement of the following claim:

   a. Yvette Augmon, el al v. City and County of San Francisco, United States District Court No. C99-4779 MMC

There will be Public Comments on any item before or during discussion of each item.

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For information about MUNI service call 923 6142

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MARCH 28, 2001 **CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:15 p.m., in Closed Session.

PRESENT: Commissioners Chan, Perry, Friday, Quaranta
ABSENT: Commissioner Herrera

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation

a. Yvette Augmon, et al v. City and County of San Francisco, United States District Court No. C99-4779 MMC

MARCH 28, 2001 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:41 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Friday, Quaranta
ABSENT: Commissioner Herrera

DISCUSSION AND VOTE ON WHETHER TO DISCLOSE DISCUSSION AND DISCLOSURE OF ACTION TAKEN IN CLOSED SESSION

Commissioner Perry moved not to discuss action taken in Closed Session.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 27-01

YVETTE AUGMON v. CCSF, et al., USDC No. C99-4779 MMC

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RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Yvette Augmon vs. City and County of San Francisco, et al." in United States District Court No. C99-4779 MMC, be, and the same is hereby approved.

Date of Incident: October 30, 1998

AYES: Commissioners Chan, Perry, Friday, Quaranta
ABSENT: Commissioner Herrera

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioners Chan and Perry recommended that the meeting for April 18th be cancelled and a hearing instead will be held to consider arguments on three cases regarding Government Code 3304.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau deferred to Commander Bruce.

Commander Bruce introduced Captain Dudley to present Officer of the Month awards to Officers John Conefrey and David Goff.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Director Dunlap congratulated the two officers and stated that within two weeks, she would have the OCC annual Report ready for distribution.

PUBLIC COMMENTS

None

Thereafter, the meeting was adjourned.

_____
Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

1273/rct

4/5/01 special

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

AND NOTICE OF SPECIAL MEETING
WEDNESDAY, APRIL 4 & 5, 2001
8:00 a.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

Taking of Evidence by the Commissioner Dennis Herrera on Disciplinary Charges field against Officer Daniel Perea (File No. C56-244 DC)

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, APRIL 4, 2001
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance

2. Roll Call

3. Police Commission Announcements
   a. Motion of Calendaring of New Items

4. Chief's Announcements and Review of Recent Department Events

5. OCC Director's Report re: Staffing and Budget and Summary of Recent Events

6. Discussion and Action re: Request of the Chief of Police and stipulation to Withdraw Disciplinary Charges for resolution by the Chief of Police in the Matter of Inspector Daniel Perea (File No. C56-244 DC)

7. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

8. Hearing and Disposition on Disciplinary charges filed against Officer Edgar A. Gonzalez (File No. C90-171 JWA)

**There will be Public Comments on any item before or during discussion of each item.*

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APRIL 4, 2001 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:36 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Herrera, Friday
ABSENT: Commissioner Quaranta

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Chan announced no meeting on April 11th. Commissioner Chan also stated that Commissioner Friday attended the grand opening of the new 911 Emergency Building Communication Center at 1019 Turk Street.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

No announcements.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Director Dunlap stated that she will present annual report for year 2001 a the next Commission meeting.

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RESOLUTION NO. 28-01

APPROVAL OF THE MOTION TO WITHDRAW DISCIPLINARY CHARGES FOR RESOLUTION BY THE CHIEF OF POLICE IN THE MATTER OF INSPECTOR DANIEL J. PEREA, NARCOTICS DIVISION (File No. C56-244 DC)

WHEREAS, Chief of Police Fred H. Lau requests that the disciplinary charges filed against Inspect Daniel J. Perea, Narcotics Division, be withdrawn from the Police Commission and that it will be handled administratively; by the Chief of Police therefore be it

RESOLVED, that the disciplinary charges filed against Inspector Daniel J. Perea be withdrawn taken off calendar, and remanded to the Chief of Police for disposition

AYES: Commissioners Chan, Perry, Herrera, Friday
ABSENT: Commissioner Quaranta

PUBLIC COMMENTS

None

HEARING OF OFFICER EDGAR A. GONZALEZ, SUPPORT SERVICES DIVISION

The hearing of Police Officer Edgar A. Gonzalez, Support Services Division, was called it having been set for this date. Officer Gonzalez was charged with violating the Rules and Procedures as follows:

AMENDED

SPECIFICATION NO. 1

Using unnecessary force to subdue a prisoner (violation of Rule I-1-M-1 of Department General Order 5.01 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to answer truthfully and without evasion when questioned by a superior officer (violation of Rule 21 of Department General Order 2.01 of the San Francisco Police Department);

in a properly verified complaint by Fred H. Lau, Chief of Police of San Francisco Police Department.

Officer Edgar Gonzalez appeared in person and was represented by Ms. Katherine Mahoney, Attorney at Law.

Ms. Katherine Mahoney entered a plea of no contest on the amended charges on behalf of Officer Gonzalez.

The Police Commission unanimously approved the department's motion to amend the charges and accepted the plea of Officer Gonzalez.

Based on these findings, the Commission requested a recommendation from Chief of Police Fred H. Lau.

The following recommendation was made by the Chief of Police:

SPECIFICATION NOS. 1 AND 2

Thirty (30) days with sixteen (16) days imposed forthwith and fourteen (14) days held in abeyance for two years.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 29-01

DECISION - HEARING OF OFFICER EDGAR A. GONZALEZ, RECORDS MANAGEMENT SECTION OF SUPPORT SERVICES DIVISION
(FILE NO. C90-171 JWA)

WHEREAS, on January 12, 2000, Fred H. Lau, Chief of Police of the San Francisco Police Department, made and served amended charges against Officer Edgar Gonzalez, as follows:

Amended Charges

SPECIFICATION NO. 1:

Using unnecessary force to subdue a prisoner (violation of Rule I-1-M-1 of Department General Order 5.01 of the San Francisco Police Department).

(1) At all times herein mentioned, Edgar A. Gonzalez, Star Number 687, (hereinafter referred to as "the accused") was a police officer employed by the San Francisco Police Department assigned to the Southern District of the Field Operations Bureau and is not assigned to the Records Management Section of the Support Services Division;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders, and procedures of the San Francisco Police

Department;

(3) On May 11, 1997, at 2030 hours, the accused was on duty engaged in patrol duties in the Southern District working the 1600-0200 hour shift. The accused was assigned to drive the patrol wagon that evening;

(4) On May 11, 1997, at 2030 hours, on assignment from Communications, the accused responded to the scene of an arrest on South Van Ness Avenue near its intersection with Market Street in the City and County of San Francisco, to translate from and to the Spanish language, as the arrested motorist ("the victim") claimed not to understand English;

(5) When the accused arrived at the scene of the arrest, the victim was under arrest, handcuffed and seated in the back of the patrol vehicle. The arresting officer was seated in the drivers seat of the patrol vehicle, the accused entered the front door of the vehicle and sat on the passenger side of the vehicle. The accused explained tot he victim, in Spanish, the rights and obligations connected to his driving privilege and that the victim gave his implied consent to testing by applying for a California Driver's license. The victim protested and did not feel he should be arrested;

(6) The accused attempted to explain to the victim that he must submit to a chelmical test for alcohol in his blood. The victim was uncooperative, combative, argumentative, and complained that the handcuffs were too tight and causing pain. At some point during the verbal exchange, the victim replied to the accused in Spanish, using language which the accused took as an insult;

(7) The accused exited the front seat of the patrol vehicle, opened the rear door to the patrol vehicle, and entered the back seat of the vehicle with the handcuffed victim. The accused struck the victim with his fists several times. The accused then removed the victim from the back seat and loosened the handcuffs before taking the victim to San Francisco General Hospital to take a blood sample by force, since the victim refused to choose a sampling method under the implied consent law. The accused did not verify that the use of force was documented in the police report;

(8) The accused, by entering the back seat of the patrol vehicle and striking the handcuffed victim because the victim insulted him, used unnecessary and excessive force, which violated department policy and procedures in violation of Rule I-M-1 of Department General order 5.01, which states:

"M. UNNECESSARY FORCE (DEFINED)

1. Unnecessary force occurs when it is apparent that the type of degree of the force employed was neither necessary nor appropriate. When any degree of force is utilized as summary punishment or for vengeance, ti is clearly improper and unlawful."

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Appendix A. Section A 8.343 of the Charter of the City and County of San Francisco on April 4, 2001 where the matter was submitted tot he Police Commission for decision; and

WHEREAS, based on Officer Edgar A. Gonzalez's admission, the Commission finds the allegations contained in Specification No. 1 of the amended charges as preferred by Chief of Police Fred H. Lau against Officer Gonzalez, is sustained; and the Commission adopts the sustained specification as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety, and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1 Sustained

Officer Edgar A. Gonzalez is ordered, suspended for thirty (30 days with sixteen (16) days imposed forthwith and fourteen (14) days held in abeyance for two (2) years on the following conditions: That Officer Gonzalez not engage in any serious acts of misconduct. The Commission accepts the Chief's recommendation that in the event MCD investigation A217-00 is sustained, it will stand on its own and not act as a trigger to impose the fourteen (14) days held in abeyance in this matter. That said sixteen (16) days suspension shall commence on Saturday, April 7, 2001, at 0001 hours and terminate on Monday, April 22, 2001, at 2400 hours.

AYES: Commissioners Chan, Perry, Herrera, Friday
ABSENT: Commissioner Quaranta

Thereafter, the meeting was adjourned.

_____
Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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The Police Commission

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING

There will be no Police Commission Regular Meeting on *Wednesday, APRIL 11, 2001.* The next Police Commission Regular Meeting will be on **Wednesday**, **APRIL 18, 2001**, 5:30 p.m., at Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, Room 551.

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, APRIL 18, 2001
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance

2. Roll Call

3. Police Commission Announcements
   a. Motion of Calendaring of New Items

4. Discussion and possible action on a motion for dismissal of disciplinary charges filed against listed officers under Government Code 3304:

   a. Officer Gabriel Gallaread, Park Station (File No. JWF-200-299)

   b. Officer David Burns, Mission Station (File No. JWF 200-439)

   c. Officer Nikolas Borthne, Central Station (File No. OCC 212-99)

5. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

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APRIL 18, 2001 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:32 p.m., in Regular Meeting.

PRESENT: Commissioners Chan, Perry, Herrera, Quaranta
ABSENT: Commissioner Friday

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Next week's meeting will be in the Ingleside District at 1250 Sunnydale Avenue.

DISCUSSION AND POSSIBLE ACTION ON A MOTION FOR DISMISSAL OF DISCIPLINARY CHARGES FILED AGAINST OFFICER GABRIEL GALLAREAD, PARK (FILE NO. JWF C00-299), OFFICER DAVID BURNS, MISSION (FILE NO. JWF C00-439), OFFICER NIKOLAS BORTHNE, CENTRAL (FILE NO. OCC 212-99)

Attorney Katherine Mahoney, POA, addressed the Commission on her motion to dismiss the cases of Officers Gallaread, Burns, and Borthne under Government Code 3304.

Attorney Jean Field, OCC, addressed the Commission on the reasons why OCC feel that the three mentioned cases don not fall under Government Code 3304.

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Commissioner Quaranta excused himself at 6 p.m.

The Commission recessed at 6:25 p.m. to consider the motion with Margaret Baumgartner, City Attorney.

The Commissioned returned and resumed the meeting at 6:45 p.m.

Assistant Chief Sanders responded to questions from the Commission to look into the reasons why the cases in question took so long to reach a conclusion. Chief Sanders will investigate and report in writing by May 2nd.

The Commission also wanted both attorneys to respond in writing to answer questions as to the length of time to reach a conclusion, which they will by May 2nd.

PUBLIC COMMENTS

None.

Thereafter, the meeting was adjourned at 6:57 p.m.

_____
Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

1273/rct

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, April 25, 2001
6.00 p.m.

INGLESIDE POLICE DISTRICT
Britton Court Community Room
1250 Sunnydale Ave.
San Francisco

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1. Pledge of Allegiance
2. Roll Call
3. Police Commission Announcements
   1. Motion of Calendaring of New Items
4. Chief's Announcements and Review of Recent Department Events
5. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
6. Captain Marsha Ashe, Commanding Officer of Ingleside Police Station, to address the Commission on Police Activities in the Ingleside District
7. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

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Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-7724; FAX (415) 554-5163; E-mail: Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website at www.ci.sf.ca.us/bdsupvrs/sunshine

POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO
THOMAS J. CAHILL HALL OF JUSTICE
850 BRYANT STREET
SAN FRANCISCO, CALIFORNIA 94103

FRED H. LAU
CHIEF OF POLICE

INGLESIDE COMMUNITY NEWSLETTER
APRIL-MAY 2001

The format of the Ingleside community letter is changing. Eventually this will evolve into a quarterly, polished although probably never glossy publication. To that end, I am looking for a few good men or women with GREAT desktop publishing skills to assist in setting up a new format. This would be an excellent senior internship for any interested student or an excellent way for any citizen to participate in community service.

COMMUNITY FORUMS: Ingleside Police District hosts a monthly community forum. This forum occurs every third Tuesday of the month at 7 p.m. in the Community room at Ingleside station. **April's meeting, however, is cancelled due to the Police Commission Meeting scheduled for Wednesday April 25, 2001 at 6 p.m.** The meeting will be held in the community room of Britton Court at 1250 Sunnydale. Reserved parking will be available immediately outside the community room and carpooling is encouraged. Meeting with the police commissioners provides citizens, in their neighborhood, the opportunity to direct comments, compliments and complaints to the policy making body of the police department. It is also my opportunity to discuss the on-going law enforcement challenges and accomplishments in the district.

May's community forum will occur on May 15, 2001 at 7p.m. This will be a two-hour symposium on burglary prevention. Warmer weather, rolling brownouts and vacations make homes and businesses more vulnerable to break-ins. S.F. Safe and the SFPD will present minimal or no-cost ways in which your homes less attractive to thieves.

LOCAL HEROES: Ingleside veteran Officers Michael Androvich and Moses Gala responded to a call of a domestic violence. When they arrived they got the surprise a career when the woman, seeing the officers, and believing the threats of her abusive husband to kill their baby if the officers came to the door, tossed the baby out the window. Officer Androvich caught the baby nanoseconds before the child hit the pavement. This story became national news with our hero officers appearing on several national networks. Like many heroes, these guys are embarrassed and stunned by the attention. The attention, though, continues. On April 23, 2001 they the San Francisco Board of Supervisors will honor them with a special presentation.

NEW TELEPHONE NUMBERS: The station recently converted to a new telephone system. We apologize to anyone who was hung up on, disconnect or sent into telephonic limbo as we attempted to learn this new system. My new direct line is now 404-4031, the station number is 404-4000 and the business line is 404-4040.

Stay safe,

e-mail Marsha.Ashe@ci.sf.ca.us

Captain Marsha Ashe
#1 Sergeant John Young Lane
San Francisco, California 94112

NO.245 04/17/2001 06:22

PUBLIC MEETING/HEARING
ACCESSIBILITY INFORMATION

American sign language interpreters will be available upon request. Please contact Sgt. Michael Sullivan, at 553 1343, at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A sound enhancement system will be available upon request at the proceeding. Please contact Sgt. Michael Sullivan, at 553 1343 at least 72 hours prior to a proceeding.
Late requests will be honored if possible.

Minutes of the proceedings are available in alternative formats. If you require the use of a reader during the meeting, please contact Sgt. Michael Sullivan, at 553 1343 at least 72 hours prior to a proceeding. Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 553 1343 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The proceeding will be held at 1250 SUNNYDALE AVE.
The closest accessible BART _____.
Accessible MUNI lines serving this location are #9 BUS TO SUNNYDALE AVE

For information about MUNI service call 923 6142.

Accessible parking is available at the following location: _____

Accessible seating for persons with disabilities and wheelchairs will be available.

- For information about the meeting call 553-1667 Voice, or 553 9194 TDD.

San Francisco Police Department

APRIL 25, 2001 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in the Ingleside District at Britton Court Community Room, 1250 Sunnydale Avenue, San Francisco, at 6:13 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Herrera, Friday, Quaranta
ABSENT: Commissioner Perry

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Chan requested that a Closed Session be scheduled on May 2nd to consider cases under Government Code 3304.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Assistant Chief Sanders introduced himself and the command staff.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Director Dunlap addressed the Commission and the audience and described duties of the OCC.

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CAPTAIN MARSHA ASHE, COMMANDING OFFICER OF INGLESIDE POLICE STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE INGLESIDE DISTRICT

Captain Ashe addressed the Commission and the audience and discussed activities in the Ingleside District.

PUBLIC COMMENTS

Steve Curry, Outer Mission Resident Association, discussed concerns regarding parking problem with large commercial vehicles in the neighborhood.

Jean Barra commended Captain Ashe and discussed concerns regarding dogs off leash in neighborhood parks.

Mary spoke regarding the command van that's parked at Broad and Plymouth Streets and stated it really help the neighborhood. She also asked why unfounded complaints are placed in officers' files.

Ms. Mirret, Friends of Holly Park, discussed concerns regarding dogs being off leash in Holly Park.

Lorin Reed discussed concerns regarding dogs off leash and Captain Ashe's efforts to help solve the problem.

Regina discussed concerns regarding unfounded OCC complaints.

Ms.Ward, OMI, discussed concerns regarding unfounded OCC complaints.

Sam Jackson commended Captain Ashe for her assistance in cleaning up the neighborhood.

Gary Robinson, Precita Park Neighborhood, commended Captain Ashe in her assistance in helping to clean up the parks and dogs off leash.

Barbara Glashy discussed concerns.

Morgan Gostaffus addressed the Commission and Captain Ashe regarding quality of life issues and discussed concerns with parking and citing cars that are parked illegally.

Unidentified discussed concerns regarding the Sunnydale neighborhood and commended Captain Ashe on a job well done and asked for increase in patrol officers.

Mary discussed concerns regarding redoing districts due to increase in the

district population.

Betty Wilson, Geneva Terrace Home Owner's Association, asked for more patrol officers to patrol neighborhood.

Unidentified, Crocker Amazon Neighborhood, discussed concerns regarding dogs off leash in the area.

Thereafter, the meeting was adjourned at 7:40 p.m.

_____

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

1273/rct

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

SIDNEY CHAN
PRESIDENT

CONNIE PERRY
Vice President

DENNIS HERRERA
Commissioner

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

LT. EDWARD GEETER
Secretary

REGULAR MEETING
WEDNESDAY MAY 2, 2001
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance

2. Roll Call

3. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer Timothy P. Fitzgerald #112 Southern Station (File No. JWF C01-024)

4. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer Timothy P. Fitzgerald #112 Southern Station (File NO. JWF C01-076)

5. Police Commission Announcements
   a. Motion of Calendaring of New Items

6. Chief's Announcements and Review of Recent Events

7. Notification of: The Retirement of Officer David Rios and Motion to take Charges off Calendar case (File No.C00-237 JWA)

8. OCC Director's Report and Presentation On:
   a. Year 2000 Annual Report
   b. Year 2000 3rd Quarter Statistical Reports
   c. Year 2000 4th Quarter Early Warning System Report
   d. Presentation of Study by The National Institute of Justice, "Citizen Review of Police Approaches and Implementation"

9. Request of The Chief of Police for Approval to apply for and accept Retroactively expand funds to Implement the "California Cold Hit DNA Program." Funded by The California Office of Criminal Justice Planning

10 Request of The Chief of Police for Approval to Accept an $.1.800.00 Donation from S & C Ford Motor Co. for Vehicle cross country transportation to the National Police Officer Memorial in Washington D.C.

11. Public Comments

12. Hearing and Disposition of disciplinary Charges Filed Against Officer William M. Garcia #211 Support Service (file No. C56-207 JWA)

13. Hearing and Disposition of Charges Filed Against Officer Malcolm S. Fong #659 Richmond (File No. C98-127 JWA) (File No. C98-159) (File No. C98-238 JBR) & (File No. C98-282 JR)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SIDNEY CHAN
PRESIDENT

CONNIE PERRY
Vice President

DENNIS HERRERA
Commissioner

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

AND NOTICE OF SPECIAL MEETING
WEDNESDAY, MAY 2, 2001
5 :50 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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CLOSED SESSION

1. ***Roll Call***

2 **Public Comments** on all matters pertaining to Closed Session

3 Vote on whether to hold Closed Session and/or assert Attorney/Client Privilege to confer with legal counsel. San Francisco Administration Code 67.11(a.)

4 Closed Session held pursuant to Government Code 5496.9 and San Francisco Administrative Code Section 67.11(b)

CONFERENCE WITH LEGAL COUNSEL Existing motion for dismissal of disciplinary charges filed against listed officers under Government Code 3304:

a. Officer Gabriel Gallaread, Park Station (File No. JWF-200-299)

b. Officer David Burns, Mission Station (File No. JWF 200-439)

c. Officer Nicolas Borthne, Central Station (File No. OCC 212-99)

5 Roll Call

6 Discussion an Vote on Whether to Disclose Discussion and Disclosure of Action taken in Closed Session

7. Public Comments.

**There will be Public Comments on any item before or during discussion of each item.*

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, 1 DR. CARLTON B.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language Interpreters or computer aided real time captioning will be made available upon advance request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406(tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in **alternate formats** (computer disk, cassette tape, large print or Braille) upon advance request at least 72 hours at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553 1343 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at the Hall of Justice, 850 Bryant Street, 5th floor Police Commission Hearing Room. The closest accessible BART station is 5th and Mission Streets. Accessible MUNI lines serving this location are 42 and 9X San Bruno Express.

For information about MUNI service call 923 6142

Accessible parking is available in front of the Hall of Justice, 850 Bryant Street.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting call 553 1667(v) or 553 9194 (tty)

MAY 2, 2001 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Herrera, Friday, Quaranta

RESOLUTION NO. 30-01

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER TIMOTHY P. FITZGERALD, SOUTHERN (FILE NOS. C01-024 JWF & C01-76 JWF)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in disciplinary charges filed against Officer Timothy P. Fitzgerald, Star No. 112, Southern, was called it having been set for this date; and

WHEREAS, Commissioner Sidney Chan hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Timothy P. Fitzgerald; therefore be it

RESOLVED, that Commissioner Sidney Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Timothy P. Fitzgerald, and is to be set at a later date.

AYES: Commissioners Chan, Perry, Herrera, Friday, Quaranta

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POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

None

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT EVENTS

None

RESOLUTION NO. 31-01

HEARING OF OFFICER DAVID RIOS, SUPPORT SERVICES (FILE NO. C00-237 JWA)

WHEREAS, on July 25, 2000, Fred H. Lau, Chief of Police, made and served charges against Police Officer David Rios, Star No. 1953, as follows:

SPECIFICATION NO. 1
Engaging in conduct which subverts the good order, efficiency, or discipline of the department or which reflects discredit on the department (violation of Rules 1 and 9 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 2
Failure to answer truthfully and without evasion when questioned by a supervisor (violation of Rule 21 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 3
Engaging in conduct which subverts the good order, efficiency, or discipline of the department or which reflects discredit on the department

(violation of Rules 1 and 9 of Department General Order 2.01 of the San Francisco Police Department);

and

WHEREAS, Officer David Rios, Star No. 1953, Support Services, has applied for Service Retirement from the San Francisco Police Department effective March 3, 2001; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Officer David Rios, Star No. 1953, be, and the same are hereby continued off calendar.

AYES: Commissioners Chan, Perry, Herrera, Friday, Quaranta

OCC DIRECTOR'S REPORT AND PRESENTATION OF 2000 ANNUAL REPORT, 2000 3RD QUARTER STATISTICAL REPORT, AND PRESENTATION OF STUDY BY THE NATIONAL INSTITUTE OF JUSTICE, "CITIZEN REVIEW OF POLICE APPROACHES AND IMPLEMENTATION"

Director Dunlap presented the 2000 Annual and Statistical Reports and presented the study by the National Institute of Justice regarding Citizen Review of Police Approaches and Implementation.

RESOLUTION NO. 32-01

APPROVAL OF REQUEST OF THE CHIEF OF POLICE TO RETROACTIVELY APPLY FOR, ACCEPT, AND EXPEND FUNDS FROM THE CALIFORNIA OFFICE OF CRIMINAL JUSTICE PLANNING (OCJP) TO IMPLEMENT THE CALIFORNIA COLD HIT DNA PROGRAM

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to retroactively apply for, accept, and expend funds from the California Office of Criminal Justice Planning (OCJP) to implement the California Cold Hit DNA Program, including any augmentations, extensions, and modifications.

AYES: Commissioners Chan, Perry, Herrera, Friday, Quaranta

RESOLUTION NO. 33-01

APPROVAL TO ACCEPT DONATION OF $1,800.00 FROM S&C FORD MOTOR COMPANY FOR VEHICLE CROSS COUNTRY TRANSPORTATION TO THE NATIONAL POLICE OFFICER MEMORIAL IN WASHINGTON D.C.

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donation of $1,800.00 from S & C Ford Motor Company for vehicle cross country transportation to the National Police Officer Memorial in Washington D.C.

AYES: Commissioners Chan, Perry, Herrera, Friday, Quaranta

PUBLIC COMMENTS

Samantha Leapos, Director of Bay Area Police Watch
Adam Arms, Coalition for the Homeless
Judy Brown, Books not Bars
J. Hershman, Ella Baker Center
The above listed citizens addressed the Commission and asked that the

Commission not dismiss charges against the officers.

HEARING AND DISPOSITION OF DISCIPLINARY CHARGES FILED AGAINST OFFICER WILLIAM M. GARCIA, STAR NO. 211, SUPPORT SERVICES (FILE NO. C56-207 JWA)

Put over for another date.

HEARING OF OFFICER MALCOLM S. FONG, STAR NO. 659, RICHMOND
FILE NOS. C98-127 JWA, C98-159, C98-238 JBR, & C98-282 JR)

The hearing of Police Officer Malcolm S. Fong, Star No. 659, was called it having been set for this date. Officer Fong was charged, in properly verified complaints by Chief of Police Fred H. Lau of the San Francisco Police Department, with violating the Rules and Procedures as follows:

FILE NO. C98-159:

SPECIFICATION NO. 1
Discourtesy (for shouting and using profanity against a civilian during a traffic detention, in violation of Department General Order 2.01, Rule 14);

SPECIFICATION NO. 2
Neglect of Duty (for failing to appear at an OCC interview, in violation of Department General Order 2.04, Rule II.D);

SPECIFICATION NO. 3
Neglect of Duty (for failing to appear at an OCC interview, in violation of Department General Order 2.04, Rule II.D);

FILE NO. C98-238 JBR:

SPECIFICATION NO. 1
Neglect of Duty (for failing to write an Incident Report concerning a crime brought to his attention, in violation of Department General Order 2.01, Rule 25; and, Department General Order 1.03, Rule I.A.5.d.);

SPECIFICATION NO. 2
Neglect of Duty (for failing to property document seized property in violation of Department General Order 1.03, Rule I.A.5.d.; Department General Order 6.15, Rule III.A.1.; and, Department General Order 6.15, Rule III.A.10.);

SPECIFICATION NO. 3
Neglect of Duty (for transporting a civilian passenger without cause, in violation of Department General Order 2.01, Rule 23.);

FILE NO. C98-282 JR

SPECIFICATION NO. 1
Discourtesy (for shouting and using profanity against a civilian during a traffic detention, in violation of Department General Order 2.01, Rule 14);

SPECIFICATION NO. 2
Conduct Reflecting Discredit (for abuse of discretion in issuing a citation to a civilian in violation of Department General Order 9.01, Rule I.A.3.);

FILE NO. C98-127 JWA

SPECIFICATION NO. 1

Failure to report for duty at the time and place required (violation of Rule 4 of Department General Order 2.01 of the San Francisco Police Department);

Officer Malcolm S. Fong appeared in person and was represented by Ms Katherine Mahoney, Attorney at Law.

Ms. Jean Field, Attorney at Law, appeared on behalf of the San Francisco Police Department and the Office of Citizen Complaints.

The Department entered a motion to withdraw charges contained in File No. D98-127 JWA and C98-238 JBR. Motion was granted by the Commission.

Officer Fong admitted to the truth of the allegations contained in Specifications No. 1, 2 and 3 contained in File No. C98-159, and Specifications No. 1 and 2 contained in File No. C98-282 JR. In a matter not yet filed with the Commission, OCC File No. 0767-99, Officer Fong will not contest the allegations that he was discourteous toward a driver he was citing for a traffic violation. It will stand as a sustained complaint, and charges will not be filed with the Commission in that matter and it will be deemed included in this disposition. Officer Fong personally affirmed the admission in these matters and accepts responsibility for his actions.

Based on Officer Fong's admission, the Commission requested a recommendation from Chief of Police Fred H. Lau. It is the recommendation of the Chief of Police that Officer Malcolm S. Fong be terminated, with termination held in abeyance for five (5) years and that he serve a one hundred eighty-one (181) day suspension forthwith.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 34-01

DECISION-HEARING OF OFFICER MALCOLM S. FONG, STAR NO. 659, RICHMOND
(FILE NOS. C98-127 JWA, C98-159, C98-238 JBR, & C98-282 JR)

WHEREAS, on December 10, 1998, January 14, 1999, and February 17, 1999, Fred H. Lau, Chief of Police of the San Francisco Police Department, made and served charges against Officer Malcolm S. Fong, Star No. 659, as follows:

FILE NO. C98-159

SPECIFICATION NO. 1
Discourtesy (for shouting and using profanity against a civilian during a traffic detention, in violation of Department General Order 2.01, Rule 14);

(1) At all times herein mentioned, Officer Malcolm S. Fong, Star No. 659, (hereinafter referred to as "the Accused Officer") was and is a police officer employed by the San Francisco Police Department;

(2) As a police officer, the accused officer was and is responsible for knowing and obeying the rules, orders, and procedures of the San Francisco Police Department;

(3) At all times relevant to this change, the accused officer served at the rank of Patrol Officer assigned to Bayview Station;

(4) On or around October 18, 1997, the accused officer was working alone as a solo patrol officer assigned to the Bayview District. At approximately 2:00 p.m., the accused officer observed the citizen who made the complaint in this matter (hereinafter referred to as "complainant") traveling in his vehicle in the area of Bayshore Boulevard and Leland Street. The accused officer effected a traffic stop of the complainant's vehicle. The accused officer detained the complainant for violating Vehicle Code Section 21453(a), failing to stop at a red light;

(5) The complainant complied with the accused officer's order to stop his car and pulled to the side of the street. After stopping, the complainant opened his door and placed one leg outside the vehicle, preparing to retrieve his wallet from his pants pocket. As he did this, the accused officer used profanity, shouting , "Get your fucking ass back in the car!" The complainant remained seated, and the accused officer approached the vehicle;

(6) The accused officer approached the complainant's vehicle and in a raised voice stated, "Don't you ever get out of the fucking car unless I say you can get out." The complainant and his juvenile passenger remained in the car. The accused officer then shouted, "What the hell do you think you are doing, running a red light?" In answer, the complainant denied running a red light. The accused officer responded with profanity saying, "Now you're insulting my fucking intelligence." At no time did the complainant or his juvenile passenger use hostile, profane, or aggressive language towards the accused officer. The complainant was issued a citation and released upon his signed promise to appear in court;

(7) By shouting and using profanity against a member of the public, the accused officer violated the policy of the San Francisco Police Department as stated in General Order 2.01, Rule 14, which states:

"PUBLIC COURTESY: When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language."

SPECIFICATION NO. 2

Neglect of Duty (for failing to appear at an OCC interview, in violation of Department General Order 2.04, Rule II.D);

(8) Paragraphs (1) through (3) of Specification No. 1 are incorporated in this paragraph by reference and realleged as though set forth in full;

(9) On November 6, 1997, the accused officer was sent a Notice to Appear for an interview with the Office of Citizen Complaints (hereinafter "OCC"). The Notice to Appear informed and notified the Accused Officer that he was ordered to appear at the offices of the OCC to be interviewed on November 13, 1997 at 1500 hours. The accused officer received and signed the Notice to Appear, acknowledging its receipt, on November 10, 1997l;

(10) On November 13, 1997, the accused officer did not appear at the OCC. He did not notify the OCC that he would not be present on November 13, 1997;

(11) By failing to appear at the OCC for a scheduled interview, the accused officer violated San Francisco Police Department General Order 2.04, Section II.D., which states:

"OCC Interviews. Member shall appear for scheduled interviews and be prepared to proceed. If a member needs to reschedule, he/she must contact

the appropriate investigator at least 24 hours prior to the interview. The inability to arrange for a specific representative will not necessarily be cause for rescheduling the interview. The final decision to reschedule will remain with the OCC."

SPECIFICATION NO. 3
Neglect of Duty (for failing to appear at an OCC interview, in violation of Department General Order 2.04, Rule II.D);

(12) Paragraphs (1) through (3) of Specification No. 1 are incorporated in this paragraph by reference and realleged as though set forth in full;

(13) On December 4, 1997, the accused officer was sent a second Notice to Appear for an interview with the Office of Citizen Complaints (hereinafter "OCC"). The Notice to Appear informed and notified the accused officer that he was ordered to appear at the offices of the OCC to be interviewed on December 16, 1997 at 1500 hours. On December 5, 1997, the accused officer received and signed the Notice to Appear, acknowledging its receipt;

(14) On December 16, 1997, the accused officer did not appear at the OCC. He did n ot notify the OCC that he would be present on December 16, 1997;

(15) By failing to appear at the OCC for a scheduled interview, the accused officer violated San Francisco Police Department General Order 2.04, Section II.D., which states:

"OCC Interviews. Member shall appear for scheduled interviews and be prepared to proceed. If a member needs to reschedule, he/she must contact the appropriate investigator at least 24 hours prior to the interview. The inability to arrange for a specific representative will not necessarily be cause for rescheduling the interview. The final decision to reschedule will remain with the OCC."

FILE NO. C98-238 JBR

~~**SPECIFICATION NO. 1**~~
~~Neglect of Duty (for failing to write an Incident Report concerning a crime brought to his attention, in violation of Department General Order 2.01, Rule 25; and, Department General Order 1.03, Rule I.A.5.d.);~~

~~(1) At all times herein mentioned, Officer Malcolm S. Fong, Star Number 659, (hereinafter referred to as "the accused officer") was and is a police officer employed by the San Francisco Police Department;~~

~~(2) As a police officer, the accused officer was and is responsible for knowing and obeying the rules, orders, and procedures of the San Francisco Police Department;~~

~~(3) At all times relevant to this charge, the accused officer held the rank of Patrol Officer and was assigned to Bayview Station;~~

~~(4) On July 4, 1997, the accused officer was working alone as a solo patrol officer assigned to the Bayview District. At approximately 1:00 p.m., a citizen on the street contacted the accused officer and reported to him that two persons were engaged in sexual relations in a blue van parked in the area of China Basin. The accused officer approached and inspected the vehicle and saw complainant and another individual fastening their clothing. The complainant admitted to the accused officer that she had been engaged in an act of prostitution, a violation of California Penal Code Section 647(b);~~

(5) The accused officer detained the complainant while he allowed the other individual to leave. The other individual then drove away in the blue van. The accused officer did not document or write an incident report regarding the complainant's actions inside the blue van or her admission of prostitution activity;

(6) The complainant submitted to the detention by the accused officer. The accused officer asked the complainant if she possessed any illegal contraband. In response, the complainant handed the accused officer a pipe used for smoking narcotics, and a bottle cap that was used to process narcotics for ingestion. Possession of these devices is prohibited by California Health and Safety Code Section 11364;

(7) The accused officer did not document or write an incident report regarding the complainant's possession of illegal contraband. The accused officer also did not document or write an incident report regarding the contraband taken from the complainant. According to the accused officer, he disposed of both items of property in the trash at Bayview Station;

(8) By failing to write an incident report about the complainant's involvement in an act of prostitution and possession of illegal contraband, the accused officer violated General Order 2.01, Rule 25, which states:

"ON-DUTY WRITTEN REPORTS. While on duty, members shall make all required written reports of crimes or incidents requiring police attention."

(9) The accused officer's omission in failing to write an incident report also violated Department General Order 1.03, Rule I.A.5.d, which states that Patrol Officers shall:

"Make written reports on crimes observed or brought to their attention that have not been previously reported."

SPECIFICATION NO. 2

Neglect of Duty (for failing to property document seized property in violation of Department General Order 1.03, Rule I.A.5.d.; Department General Order 6.15, Rule III.A.1.; and, Department General Order 6.15, Rule III.A.10.);

(10) Paragraphs (1) through (7) of Specification No. 1 are incorporated in this paragraph by reference and realleged as though set forth in full;

(11) The accused officer took two items of property from the complainant, devices used for the processing and ingesting of controlled substances. However, the accused officer did not issue the complainant a receipt of this property, nor did he document that he confiscated said property in an incident report. Instead, according to the accused officer, he disposed of said items in the trash at the Bayview Station;

(12) By failing to book the property and failing to complete a property receipt regarding the property taken from the complainant, the accused officer violated Department General Order 1.03, Rule I.A.5.d., which states in relevant part that officers shall: "Book all property and evidence in their custody prior to reporting off duty." Furthermore, the accused officer also violated Department General Order 6.15, III.A.1., which states:

"PROPERTY RECEIPT FORM: When taking or receiving Property for Identification from a person (including an arrestee), complete a Property Receipt (SFPD 315) in duplicate. Give the person the original and keep the copy. If the form is not issued, state the reason in your incident report."

~~(13) The accused officer's failure to document the property also violated Department General Order 6.15, III.A.10, which states:~~

~~"INCIDENT REPORT. Write an incident report each time when booking Property for Identification and indicate its sub-classification, e.g., (E) evidence, and (F) found, (P) property for safekeeping."~~

~~**SPECIFICATION NO. 3**~~
~~Neglect of Duty (for transporting a civilian passenger without cause, in violation of Department General Order 2.01, Rule 23.);~~

~~(14) Paragraphs (1) through (5) of Specification No. 1 are incorporated in this paragraph by reference and realleged as though set forth in full;~~

~~(15) After detaining the complainant, and receiving the illegal contraband, the accused officer transported the complainant a substantial distance in his patrol car from the initial location of contact;~~

~~(16) The accused officer did not have cause to transport the complainant. He did not transport the complainant pursuant to arrest or detention, nor did he transport her for any other police or department business;~~

~~(17) By transporting the complainant without cause, the accused officer violated Department General Order 2.01, Rule 23, entitle "Use of Department Property," which states:~~

~~"Members shall use Department property according to procedures. Members shall use and operate Department vehicles and equipment in a reasonable and prudent manner and not allow unauthorized persons in a police vehicle or allow them to use Department equipment. Authorization under special circumstances may be granted by a superior officer."~~

FILE NO. C98-282 JR

SPECIFICATION NO. 1
Discourtesy (for shouting and using profanity against a civilian during a traffic detention, in violation of Department General Order 2.01, Rule 14);

(1) At all times herein mentioned, Officer Malcolm S. Fong, Star Number 659, (hereinafter referred to as, "the Accused Officer") was and is a police officer employed by the San Francisco Police Department;

(2) As a police officer, the accused officer was and is responsible for knowing and obeying the rules, orders, and procedures of the San Francisco Police Department;

(3) At all times relevant to this charge, the accused officer served at the rank of Patrol Officer assigned to Richmond Station;

(4) On or around March 7th, 1998, the accused officer was working alone as a solo patrol officer in the area of 8th Avenue and Geary Boulevard. At approximately 7:00 p.m., the accused officer observed the citizen who made the complaint in this matter (hereinafter referred to as "complainant") stopped in her vehicle on 8th Avenue, near the intersection with Geary Boulevard. The complainant was waiting for a passenger to return. The accused officer detained the complainant for violating Vehicle Code Section 22500(h), double parking;

(5) The accused officer stated that before he decide to issue a citation for double parking, the complainant uttered a profane statement. The Accused Officer repeated the profane language stated, "Oh, I'm a fucking asshole?"

The accused officer then acknowledged stating words to the effect of "You called me a fucking jerk, I'll show you, don't move the car, just leave it where it is." The complainant denied using profanity. The accused officer then proceeded to issue a citation to the complainant. When the complainant's passenger returned, the accused officer repeated the profanity to him, and explained that the complainant would not have received a citation, but for her use of profanity;

(6) By using profanity in an exchange with members of the public, the accused officer violated the policy of the San Francisco Police Department as stated in General Order 2.01, Rule 14, which states:

"PUBLIC COURTESY: When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language."

SPECIFICATION NO. 2
Conduct Reflecting Discredit (for abuse of discretion in issuing a citation to a civilian in violation of Department General Order 9.01, Rule I.A.3.);

(7) Paragraphs (1) through (5) of Specification No. 1 are incorporated in this paragraph by reference and realleged as though set forth in full;

(8) In his interview at the Office of Citizen Complaints, the accused officer stated that he considered the attitude of the complainant as a factor in his decision to issue a citation. He stated, "If I am going to give somebody a break, and they are going to disrespect me like that on the street like that in public, like that, they, you know, they need to be cited." He further admitted that her attitude and dealings toward him influenced his decision to issue the citation. He stated, "If she just moved it and didn't say nothing, nothing would have happened."

(9) By allowing the attitude of the complainant to influence his decision to issue a citation, the accused officer violated Rule I.A.3 of San Francisco Police Department General Order 9.01, which states:

"DISCRETION. Members enforcing traffic and parking laws must also use discretion; however, members shall not let the attitude of a violator influence their enforcement action."

FILE NO. C98-127 JWA

~~**SPECIFICATION NO. 1**~~
~~Failure to report for duty at the time and place required (violation of Rule 4 of Department General Order 2.01 of the San Francisco Police Department);~~

~~(1) At all times herein mentioned, Officer Malcolm Fong, Star Number 659, (hereinafter referred to as "the accused") was employed by the San Francisco Police Department assigned to Richmond Station, Field Operations Bureau;~~

~~(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders, and procedures of the San Francisco Police Department;~~

~~(3) During December 1997, the accused officer was subpoenaed to appear at Traffic Court, Department A in the Hall of Justice, on January 20, 1998, at 1300 hours. The accused acknowledged receiving the subpoena to appear;~~

~~(4) On March 22, 1998, the accused told the Lieutenant investigating his failure to appear, that he had received an emergency call to take his~~

~~daughter to the doctor while on his way to work and when he called Court Liaison, he was connected to an answering machine. The accused was ordered on three occasions over the next month to provide verification from the physician that the accused had taken his daughter for an emergency medical visit on January 20, 1998, at the time he was supposed to be in court. The accused never provided the verification of the emergency;~~

~~(5) The accused by not appearing in court violated Department General Order 3.08, Section I-A which states: "Members receiving subpoenas from competent authority are required to appear as directed," and also violated Department Bulletin 95-96, issued on May 7, 1996, reminding members of the requirement that they honor subpoenas and also reminding them that compliance is being monitored with discipline to be imposed for noncompliance;~~

~~(6) On June 26, 1998, the Chief of Police sent the accused a notice of his intention to impose a suspension based on his failure to appear in court on January 20,1 998. The accused requested a hearing, but before the hearing was set, other charges based on investigations conducted by the Office Citizen Complaints were lodged with the Commission. Therefore, these charges have been lodged to be considered with the other charges now pending;~~

~~(7) The accused, by failing to appear in traffic court as required by a subpoena, violated Rule 4 of General Order 2.01 of the San Francisco Police Department, which states:~~

~~"REPORTING FOR DUTY. Members shall report for duty at the time and place required and be physically and mentally fit to perform their duties."~~

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Appendix A, Section A 8.343 of the Charter of the City and County of San Francisco on May 2, 2001 where the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Malcolm S. Fong's admission, the Commission finds the allegations contained in Specifications No. 1, 2 and 3 contained in File No. C98-159, and Specifications No. 1 and 2 contained in File No. C98-282 JR are sustained, and the Commission adopts the sustained specifications as its findings in this matter; and

In a matter not yet filed with the Commission, OCC File No. 0767-99, Officer Fong will not contest the allegations that he was discourteous toward a driver he was citing for a traffic violation. It will stand as a sustained complaint, and charges will not be filed with the Commission in that matter and it will be deemed included in this disposition; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety, and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

FILE NO. C98-159:

SPECIFICATION NO. 1 Sustained
SPECIFICATION NO. 2 Sustained
SPECIFICATION NO. 3 Sustained

FILE NO. C98-282:

SPECIFICATION NO. 1 Sustained
SPECIFICATION NO. 2 Sustained

That Officer Malcolm S. Fong be terminated, with termination held in abeyance for five (5) years and that he serve a one hundred eighty-one (181) day suspension forthwith.

That said one hundred eighty-one (181) day suspension shall commence on Thursday, May 3, 2001, at 0100 hours, and terminate on Tuesday, October 30, 2001, at 2400 hours.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time and within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Chan, Perry, Herrera, Friday, Quaranta

Thereafter, the meeting was adjourned at 6:10 p.m.

_____
Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Vice President

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Commissioner

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Commissioner

ANGELO QUARANTA
Commissioner

LT. EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, MAY 9 , 2001
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance

2. Roll Call

3. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges Filed against Captain Alex E. Fagan (File NO. JWA C01-079)

4. Assignment of Commissioner and Setting of Date for Taking of Evidence on Appeal of The Chief's Suspension of Officer Angelo G. Lozano # 554 (File No. JWA D98-; OCC File No. 0872-96)

5. Police Commission Announcements
   a. Motion of Calendaring of New Items

6. Chief's Announcements and Review of Recent Events

7. OCC Director's Re: Staffing and Budget and Summary of Recent Evenst

8. Request by OCC Director for Resolution by Police Commission Requesting Increase of OCC's Revolving Fund Authorization Amount From $100 To $200

9. Request by OCC Director for Amendment by Police Commission to" OCC Records Retention and Destruction Schedule(II.)"

10. Public Comments
(Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

11. Hearing and Disposition of Disciplinary Charges Filed Against Officer William M. Garcia #211 Support Service (File No. C56-207JWA)

**There will be Public Comments on any item before or during discussion of each item.*

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-7724; FAX (415) 554-5163; E-mail: Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's web site at www.ci.sf.ca.us/bdsupvrs/sunshine.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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The proceeding will be held at the Hall of Justice, 850 Bryant Street, 5th floor Police Commission Hearing Room. The closest accessible BART station is 5th and Mission Streets. Accessible MUNI lines serving this location are 42 and 9X San Bruno Express.

For information about MUNI service call 923 6142

Accessible parking is available in front of the Hall of Justice, 850 Bryant Street.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting call 553 1667(v) or 553 9194 (tty)

MAY 9, 2001 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5;35 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Herrera, Friday, Quaranta

RESOLUTION NO. 36-01

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST CAPTAIN ALEX E. FAGAN, NORTHERN (FILE NO. C01-079 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in disciplinary charges filed against Captain Alex E. Fagan, Star No. 1265, Northern, was called it having been set for this date; and

WHEREAS, Commissioner Wayne Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Captain Alex E. Fagan; therefore be it

RESOLVED, that Commissioner Wayne Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Captain Alex E. Fagan, and is to be set at a later date.

AYES: Commissioners Chan, Perry, Herrera, Friday, Quaranta

RESOLUTION NO. 37-01

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON THE APPEAL OF THE CHIEF'S SUSPENSION OF OFFICER ANGEL G. LOZANO, MISSION (FILE NO. D98-149 JWA)

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WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the Appeal of the Chief's Suspension of Officer Angel G. Lozano, Star No. 554, Mission, was called it having been set for this date; and

WHEREAS, Commissioner Dennis Herrera is hereby assigned to conduct taking of evidence in the Appeal of the Chief's Suspension of Officer Angel G. Lozano; therefore be it

RESOLVED, that Commissioner Dennis Herrera is hereby assigned to conduct taking of evidence in the Appeal of the Chief's Suspension of Officer Angel G. Lozano, and is to be set at a later date.

AYES: Commissioners Chan, Perry, Herrera, Friday, Quaranta

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

None

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT EVENTS

Commander Bruce addressed the Commission regarding Cinco De Mayo celebrations.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

REQUEST BY OCC DIRECTOR FOR RESOLUTION BY POLICE COMMISSION RE: INCREASE OF OCC'S REVOLVING FUND AUTHORIZATION AMOUNT FROM $100 TO 200

Put over for May 16th.

REQUEST BY OCC DIRECTOR FOR AMENDMENT BY POLICE COMMISSION TO OCC RECORDS RETENTION AND DESTRUCTION SCHEDULE (II)

Director Dunlap requested amendments to the OCC Records Retention and Destruction Schedule be calendared for May 16th.

PUBLIC COMMENTS

Mike addressed the Commission regarding the none-police action at the Mitchell Brothers Club and his verbal dispute with Captain Cashman.

Mr. Levin discussed concerns regarding lack of police enforcement of the dogs on leash laws.

Hilda Radcliff discussed concerns regarding citation for not having a peddlers permit at 23rd and Mission.

HEARING OF OFFICER WILLIAM M. GARCIA, STAR NO. 2111, SUPPORT SERVICES, (FILE NO. C56-207 JWA)

The hearing of Police Officer William M. Garcia, Star No. 2111, was called it having been set for this date. Officer Garcia was charged, in properly verified complaints by Chief of Police Fred H. Lau of the San Francisco Police Department, with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1:

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule 9 of department General Order 2.01 of the San Francisco Police Department);

Officer William M. Garcia appeared in person and was represented by Mr. James Collins, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The Department entered a motion to amend charges contained in File No. C56-207 JWA. Motion was granted by the Commission.

Officer Garcia admitted to the truth of the amended charges contained in Specification No. 1 contained in File No. C56-207. Officer Garcia personally affirmed the admission in these matters and accepts responsibility for his actions.

Based on Officer Garcia's admission, the Commission requested a recommendation from Chief of Police Fred H. Lau. It is the recommendation of the Chief of Police that Officer William M. Garcia be suspended for thirty (30) days, with eleven (11) days imposed forthwith and nineteen (19) days held in abeyance for two (2) years on condition of not receiving any sustained complaints of misconduct for the two years.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 38-01

DECISION-HEARING OF OFFICER WILLIAM M. GARCIA, STAR NO. 2111, SUPPORT SERVICES, (FILE NO. C56-207 JWA)

WHEREAS, on April 30, 2001, Fred H. Lau, Chief of Police of the San Francisco Police Department, made and served amended charges against Officer William M. Garcia, Star No. 2111, as follows:

AMENDED CHARGES

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule 9 of department General Order 2.01 of the San Francisco Police Department);

(1) At all times herein mentioned, William M. Garcia, Star Number 2111, (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to the Field Operations Bureau, Park District;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders, and procedures of the San Francisco Police Department;

(3) The accused was married to his wife (referred to herein as "the victim") for 13 years before they separated on November 21, 1994. There are two minor children of the marriage living with the victim. After the parties separated, the victim stayed in the family home in Rohnert Park with their two minor children;

(4) On June 19, 1995, at about 2:15 p.m., the accused went to the family home to pick up his children for visitation. The visitation was scheduled in accord with the pending dissolution of marriage proceeding in the Sonoma County Superior Court. In connection with the pending dissolution of marriage proceeding, the accused had agreed not to enter the family home. On June 19, 1995, at about 2:15 p.m., the accused sought admission to the house to find information from the newspaper. The victim refused to permit the accused to enter the house. After a brief tussle at the front door, the accused left the house with the minor children;

(5) On June 19, 1995, at 5:15 p.m., the accused returned to the house with the two children. One child immediately entered the house, the other remained outside. The accused was upset regarding the pending dissolution of marriage proceeding. The accused sought entrance to the house, but the victim refused to admit him. The victim closed the door but did not lock it because one of the children was still outside. The accused then opened the door and started to enter the house, the victim pushed the door shut. The accused then forcefully shoved the door open and the door struck the victim injuring her right shoulder, her right elbow and caused injury to her back. The victim was able to push back to close and bolt the door. The accused then left the premises;

(6) The accused, by pushing the door so hard into the victim that the door caused injury to her right elbow, her right shoulder, and her back, engaged in conduct violated the court order in the dissolution proceedings alleged above, has engaged in conduct that any reasonable police officer must know would be cause for discipline or dismissal whether described in a rule or not, in violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department, which states:

"MISCONDUCT. Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Appendix A, Section A 8.343 of the Charter of the City and County of San Francisco on May 9, 2001 where the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer William M. Garcia's admission, the Commission finds the amended charges contained in Specification No. 1 contained in File No. C56-207. are sustained, and the Commission adopts the sustained specification as its findings in this matter; therefore, be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety, and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1 Sustained

That Officer William M. Garcia be suspended for thirty (30) days, with eleven (11) days imposed forthwith and nineteen (19) days held in abeyance for two years on condition of not receiving any sustained complaints of misconduct for the two years; and

That said eleven (11) day suspension shall commence on Wednesday, April 25, 2001, at 0100 hours, and terminate on Saturday, May 5, 2001, at 2400 hours.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time and within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Chan, Perry, Herrera, Friday, Quaranta

Thereafter, the meeting was adjourned at 5:59 p.m.

_____

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

1273/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SIDNEY CHAN
PRESIDENT

CONNIE PERRY
Vice President

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Commissioner

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

LT. EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

AND NOTICE OF SPECIAL MEETING
WEDNESDAY, MAY 16, 2001
5 :00 p.m.

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Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

CLOSED SESSION

1. **Roll Call**

2 **Public Comments** on all matters pertaining to Closed Session

3 Vote on whether to hold Closed Session and/or assert Attorney/Client Privilege to confer with legal counsel. San Francisco Administration Code 67.11(a.)

4 Closed Session held pursuant to Government Code 54956.9 and San Francisco Administrative Code Section 67.11(b)

CONFERENCE WITH LEGAL COUNSEL – Existing Litigation

a. Maximilian Castro et al. V. City and County of San Francisco
Superior Court NO. 317-475

CONFERENCE WITH LEGAL COUNSEL Existing motion for dismissal of disciplinary charges filed against listed officers under Government Code 3304:

a. Officer Gabriel Gallaread, Park Station (File No. JWF-200-299)

b. Officer David Burns, Mission Station (File No. JWF 200-439)

c. Officer Nicolas Borthne, Central Station (File No. OCC 212-99)

**There will be Public Comments on any item before or during discussion of each item.*

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Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the Bulletin Board, and the

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY MAY16, 2001
5:00p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

CONSENT CALENDAR

1. Recommendation of the City Attorney for settlement of the following claim:

   a. Maximilian Castro et al. v. City and County of San Francisco
   Superior Court NO. 317-475

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY MAY16, 2001
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance

2. Roll Call

3. Discussion an Vote on whether to Disclose Discussion and Disclosure of Action taken in Closed Session

4. Approval of Consent Calendar

5. Police Commission Announcements
   1. Motion of Calendaring of New Items

6. Chief's Announcements and Review of Recent Events

7. Discussion and Action Re: OCC Director's Request for an Increase of "OCC'S Revolving Fund from $100 to $200

8. Discussion and Action Re: OCC Director's Request for an amendment to "OCC Records Retention and Destruction Schedule (ll)"

11. Public Comments
    (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda)

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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MAY 16, 2001 **CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:00 p.m., in Closed Session

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation
a. Maximilian Castro et al. v. City and County of San Francisco, Superior Court No. 317-475

CONFERENCE WITH LEGAL COUNSEL - Existing motion for dismissal of disciplinary charges filed against listed officers under Government code 3304:

a. Officer Gabriel Gallaread, Park Station (File No. C00-299 JWF)
b. Officer David Burns, Mission Station (File No. C00-439 JWF)
c. Officer Nicolas Borthne, Central (File No. OCC 212-99)

PRESENT: Commissioners Chan, Perry, Herrera, Friday, Quaranta

PUBLIC COMMENTS ON ALL MATTERS PERTAINING TO CLOSED SESSION

Ms. Liapes, Bay Area Police Watch, addressed the Commission prior to the vote to hold a closed session. She recommends that the Commission do not dismiss the disciplinary charges filed against the three officer by the OCC.

MAY 16, 2001 **REGULAR MEETING**

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The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:36 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Herrera, Friday, Quaranta

DISCUSSION AND VOTE ON WHETHER TO DISCLOSE DISCUSSION AND DISCLOSURE OF ACTION TAKEN IN CLOSED SESSION

Commissioner Chan announced that the Commission voted 5-0 not to grant the POA Attorney's motion to dismiss matters on Officer Gallaread, Park Station (File No. C00-299 JWF),Officer David Burns, Mission Station (File No. C00-439 JWF), and Officer Nicolas Borthne, Central (File No. OCC 212-99).

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 35-01

MAXIMILIAN CASTRO et al vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Maximilian Castro, et al vs. City and County of San Francisco" in Superior Court No. 317-475, be, and the same is hereby approved.

Date of Incident: March 2, 2000

AYES: Commissioners Chan, Perry, Herrera, Friday, Quaranta

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Chan congratulated Mary Dunlap, OCC Director, on her

Commissioner Chan then announced that the next Commission meeting will be held in the Park District on May 23rd. He also stated that there will be no Commission meeting on May 30th.

Commissioner Herrera requested that the full Commission hear the case of Officer Angel Lozano's appeal of the Chief's suspension, with a possible date of June 6th or 13th. Steve Johnson, POA, agreed.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT EVENTS

Chief Lau congratulated the members of the department for attending the police memorial in Sacramento. Over 200 SFPD members attended. Chief Lau thanked Chris Cunnie, POA President, for scheduling the event. Chief Lau also thanked Assistant Chief Sanders and Commander Bruce for attending and representing the Department in Washington DC Police Memorial.

RESOLUTION NO. 39-01

APPROVAL OF THE REQUEST OF THE OCC DIRECTOR FOR AN INCREASE OF THE OCC'S REVOLVING FUND FROM $100 TO $200

RESOLVED, that the Police Commission hereby approves request of the OCC Director to increase the OCC's Revolving Fund from $100 to $200.

AYES: Commissioner Chan, Perry, Herrera, Friday, Quaranta

RESOLUTION NO. 40-01

APPROVAL OF REQUEST OF THE OCC DIRECTOR TO AMEND THE OCC RECORDS RETENTION AND DESTRUCTION SCHEDULE

RESOLVED, that the Police Commission hereby approves request of the OCC Director to amend the OCC Records Retention and Destruction Schedule, as follows:

"Records Retention and Destruction Schedule (II.) shall be amended to require that the following categories of items, as listed in the schedule, be retained for a minimum of twenty (20) years:

1. Budgets and originals of financial records
2. Contracts and leases
3. Originals of personnel records."

AYES: Commissioners Chan, Perry, Herrera, Friday, Quaranta

PUBLIC COMMENTS

None

Thereafter, the meeting was adjourned at 5:59 p.m.

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

1273/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SIDNEY CHAN
PRESIDENT

CONNIE PERRY
Vice President

DENNIS HERRERA
Commissioner

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

LT. EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, MAY 23, 2001
6:00 p.m.

PARK POLICE DISTRICT
San Francisco Public Library
1833 Page Street

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MAY 5/21/01

1. Pledge of Allegiance

2. Roll Call

3. Police Commission Announcements
   a. Motion of Calendaring of New Items

4. Chief's Announcements and Review of Recent Department Events

5. OCC Director's Report re: Staffing and Budget and Summary of Recent Events

6. Captain, James Dudley Commanding Officer of Park Police Station, to address the Commission on Police Activities in the Park District

7. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

**There will be Public Comments on any item before or during discussion of each item.*

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

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Park District Community and Police Commission Meeting

Wednesday, May 23, 2001
5:30 p.m.

at the Park Library 1833 Page Street

This month's Park District community meeting will be joined by the respected members of the San Francisco Police Commission. Captain James Dudley will give an overview of Park District issues, events and crime statistics. The Police Commission will hold a brief meeting followed by a forum for public comments. Invited guests are:

Police Commission President Sidney Chan

Commission Vice-President Connie Perry

Commissioner Wayne Friday

Commissioner Dennis Herrera

Commissioner Angelo Quaranta

OCC Director Mary Dunlap

Deputy City Attorney Lori Giorgi

Police Chief Fred H. Lau

Assistant Chief Prentice Sanders

Deputy Chief Melinda Pengel

Deputy Chief William Welch

Deputy Chief Heather Fong

Deputy Chief Gary Pisciotto

Commander Richard Bruce

Commander Gregory Suhr

Commander Sylvia Harper

For information contact:

Park Police Station
Captain James I. Dudley
242-3000

PUBLIC MEETING/HEARING
ACCESSIBILITY INFORMATION

American sign language interpreters will be available upon request. Please contact Sgt. Michael Sullivan, at 553 1343, at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A sound enhancement system will be available upon request at the proceeding. Please contact Sgt. Michael Sullivan, at 553 1343 at least 72 hours prior to a proceeding.
Late requests will be honored if possible.

Minutes of the proceedings are available in alternative formats. If you require the use of a reader during the meeting, please contact Sgt. Michael Sullivan, at 553 1343 at least 72 hours prior to a proceeding. Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 553 1343 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The proceeding will be held at THE PUBLIC LIBRARY 1833 PAGE ST.
The closest accessible BART _____.
Accessible MUNI lines serving this location are 7 HAIGHT LINE AND 71 LINE

For information about MUNI service call 923 6142.

Accessible parking is available at the following location: _____

Accessible seating for persons with disabilities and wheelchairs will be available.

- For information about the meeting call 553-1667 Voice, or 553 9194 TDD.

San Francisco Police Department

MAY 23, 2001 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in the Park District, San Francisco Public Library, 1833 Page Street, San Francisco, at 6:05 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Herrera, Quaranta
ABSENT: Commissioner Friday

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

No meeting next week, May 30th.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau introduced the Command Staff and went on to thank the Captain Dudley and the officers of Park Station for a job well done.

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OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Donna Medley, Chief Investigator OCC, introduced herself and described functions and duties of the OCC.

CAPTAIN JAMES DUDLEY, COMMANDING OFFICER OF PARK STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE PARK DISTRICT

Captain Dudley introduced himself and described activities and crime statistics in the Park District.

Commissioner Perry asked about portable toilets for Haight Street and Captain Dudley stated that the situation is being worked on.

Commissioner Chan asked about the lake area and trash situation at Haight and Stanyan and Captain Dudley stated that with the joint efforts of police, Park & Rec, and DPW has done a very good job in the area mentioned.

PUBLIC COMMENTS

Ted discussed concerns regarding parking problem in the district and homeless on the street and that more police action is needed.

Patricia commended Captain Dudley for his leadership in getting more police to patrol the area. She also stated that more undercover officers are needed to cite liquor store owners who sell to minors.

Unidentified discussed training officers on how to deal with mentally ill patients. Chief Lau responded and stated that a training program will be in progress and Captain Dudley stated that he has already assigned two officers to the training.

Karen stated that officers should enforce all laws within the Haight Asbury area and thanks Sgt. Mark Porto for his dedication and his commitment as community liaison officer.

Mike Posensky discussed concerns regarding illegal sex activities at the Mitchell Brothers Night Club in the Tenderloin.

Fred commended the Chief and Captain Dudley and the officers of Park Station for a job well done.

Thereafter, the meeting was adjourned at 6:55 p.m.

_____

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

45

30/01
canceled

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SIDNEY CHAN
PRESIDENT

CONNIE PERRY
Vice President

DENNIS HERRERA
Commissioner

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

LT. EDWARD GEETER
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING

There will be no Police Commission Regular Meeting on ***Wednesday, May 30 , 2001.*** The next Police Commission Regular Meeting will be on **Wednesday, June 6, 2001**, 5:30 p.m., at Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, Room 551.

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

SIDNEY CHAN
PRESIDENT

CONNIE PERRY
Vice President

DENNIS HERRERA
Commissioner

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

LT. EDWARD GEETER
Secretary

REGULAR MEETING
WEDNESDAY JUNE 6, 2001
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance

2. Roll Call

3. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer Patricia Hanson #1671 Support Services (File No.C99-146 JWA)

4. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer Steven L Hutzler #465 Traffic Solo's (File No. JWF C01-231)

5. Discussion and Action Re: Resignation of Officer Peter D. Ma. #1715 (File No. JWF COO-296)

6. Police Commission Announcements
   1. Motion of Calendaring of New Items

7. Chief's Announcements and Review of Recent Department Events

8. OCC Director's Report Re: Staffing and Budget and Summary of New Events

9. Status Report Re: OCC Early Warning System Report, Fourth Quarter, Year 2000

10. Discussion and Action Re: Request of The Chief of Police to Withdraw Disciplinary Charges for Resolution by the Chief of Police in the matter of Inspector Matthew J. Hanley Narcotics Unit (File No. C00-060 JBR)

11. Discussion and Action Re: Request of the Chief of Police to Withdraw Disciplinary Charges for Resolution by the Chief of Police in the matter of Inspector Dean Marcic Auto Detail (File No. C00-59 JBR)

12. **Public Comments**

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in **alternate formats** (computer disk, cassette tape, large print or Braille) upon advance request at least 72 hours at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty). Late requests will be honored if possible.

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The proceeding will be held at the Hall of Justice, 850 Bryant Street, 5th floor Police Commission Hearing Room. The closest accessible BART station is 5th and Mission Streets. Accessible MUNI lines serving this location are 42 and 9X San Bruno Express.

For information about MUNI service call 923 6142

Accessible parking is available in front of the Hall of Justice, 850 Bryant Street.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting call 553 1667(v) or 553 9194 (tty)

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:30 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Herrera, Friday, Quaranta
ABSENT: Commissioner Perry

RESOLUTION NO. 41-01

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER PATRICIA HANSON, SUPPORT SERVICES (FILE NO. C99-146 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in disciplinary charges filed against Officer Patricia Hanson, Star No. 1671, Support Services, was called it having been set for this date; and

WHEREAS, Commissioner Connie Perry hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Patricia Hanson; therefore be it

RESOLVED, that Commissioner Connie Perry is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Patricia Hanson, and is to be set at a later date.

AYES: Commissioners Chan, Herrera, Friday, Quaranta
ABSENT: Commissioner Perry

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RESOLUTION NO. 42-01

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER STEVEN L. HUTZLER, SOLOS (FILE NO. C01-231 JWF)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in disciplinary charges filed against Officer Steven L. Hutzler, Star No. 465, Solos, was called it having been set for this date; and

WHEREAS, Commissioner Angelo Quaranta hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Steven L. Hutzler; therefore be it

RESOLVED, that Commissioner Angelo Quaranta is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Steven L. Hutzler, and is to be set at a later date.

AYES: Commissioners Chan, Herrera, Friday, Quaranta
ABSENT: Commissioner Perry

RESOLUTION NO. 43-01

HEARING OF OFFICER PETER D. MA, NORTHERN, (FILE NO. C00-296 JWF)

WHEREAS, on October 5, 2000, Fred H. Lau, Chief of Police, made and served charges against Police Officer Peter D. Ma, Star No. 1715, as follows:

SPECIFICATION NO. 1
Unwarranted Action (issuing citations to a civilian without justification, in violation of Department General Order 2.01, Rule 9);

SPECIFICATION NO. 2
Discredit (conducting unwarranted computer queries, in violation of Department Bulletins and Department General Order 2.01, Rules 9 and 23);

SPECIFICATION NO. 3
Neglect of Duty (failing to truthfully answer questions during an OCC investigation, in violation of Department General Order 2.01, Rule 21, and Department General Order 2.01, Section I.A.4.);

WHEREAS, Officer Peter Ma, Star No. 1715, Northern, has turned in his resignation from the San Francisco Police Department effective May 17, 2001; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Officer Peter D. Ma, Star No. 1715, be, and the same are hereby continued off calendar.

AYES: Commissioners Chan, Herrera, Friday, Quaranta
ABSENT: Commissioner Perry

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Herrera inquired about district meeting in District #11. Lieutenant Geeter responded that the meeting in District #11 is scheduled for July 25th at Ingleside Police Station.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau congratulated Deputy Chief Pisciotto and Attorney Kathy Mahoney for their participation in the 15-mile Torch Run for the Special Olympics.

Commissioner Chan inquired about a report regarding an officer beating a horse. Chief Lau stated that the officer has been removed from the Mounted Unit for striking his horse and the situation is currently being investigated.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Director Dunlap addressed the Commission regarding the person who ran their web site has decided to stay home with the birth of her new baby and that the OCC is currently looking for a replacement.

STATUS REPORT RE: OCC EARLY WARNING SYSTEM REPORT, FOURTH QUARTER, YEAR 2000

Director Dunlap presented the Early Warning System Report.

Commissioner Herrera asked Chief Lau where the department was in eliminated proper conduct complaints out of the system. Chief Lau stated that he would check on the progress and will inform Commission Secretary Lt. Geeter.

RESOLUTION NO. 44-01

WITHDRAWAL OF DISCIPLINARY CHARGES FILED AGAINST INSPECTOR MATTHEW J. HANLEY, NARCOTICS (FILE NO. C00-060 JBR)

WHEREAS, Chief of Police Fred H. Lau requests that the disciplinary charges filed against Inspector Matthew J. Hanley, Star No. 2228, Narcotics, be withdrawn and that it will be handled administratively; therefore be it

RESOLVED, that the disciplinary charges filed against Inspector Matthew J. Hanley be withdrawn and taken off calendar.

AYES: Commissioners Chan, Herrera, Friday, Quaranta
ABSENT: Commissioner Perry

RESOLUTION NO. 45-01

WITHDRAWAL OF DISCIPLINARY CHARGES FILED AGAINST INSPECTOR DEAN MARCIC, AUTO (FILE NO. C00-59 JBR)

WHEREAS, Chief of Police Fred H. Lau requests that the disciplinary charges filed against Inspector Dean Marcic, Star No. 1085, be withdrawn and that it will be handled administratively; therefore be it

RESOLVED, that the disciplinary charges filed against Inspector Dean Marcic be withdrawn and taken off calendar.

AYES: Commissioners Chan, Herrera, Friday, Quaranta
ABSENT: Commissioner Perry

PUBLIC COMMENTS

None

Thereafter, the meeting was adjourned at 5:45 p.m.

_____
Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SIDNEY CHAN
PRESIDENT

CONNIE PERRY
Vice President

DENNIS HERRERA
Commissioner

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

LT. EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JUNE 13, 2001
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

Fax 6/8/01
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JUN 11 2001

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1. Pledge of Allegiance
2. Roll Call
3. Police Commission Announcements
   a. Motion of Calendaring of New Items
4. Chief's Announcements and Review of Recent Department Events
5. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
6. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.)

*There will be Public Comments on any item before or during discussion of each item.

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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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JUNE 13, 2001 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:30 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Herrera, Friday, Quaranta
ABSENT: Commissioner Perry

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Chan stated that next week's meeting will be at the Bayview Police Station.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau stated that the Department was prepared to present three citizen awards/certificates but the citizens were not present.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Director Dunlap discussed statistical print out of OCC web site accesses. She also discussed OCC's 2001/2002 budget.

PUBLIC COMMENTS

None

Thereafter, the meeting was adjourned at 5: 45 p.m.

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

LT. EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JUNE 20, 2001
6:00 p.m.

BAYVIEW DISTRICT
BAYVIEW STATION COMMUNITY ROOM
201 Williams Street
San Francisco

Fax 6/15/01
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1. Pledge of Allegiance
2. Roll Call
3. Police Commission Announcements
   a. Motion of Calendaring of New Items
4. Chief's Announcements and Review of Recent Department Events
5. OCC Director's Report re: Staffing, Budget and Summary of Recent Events
6. Captain Patricia Jackson, Commanding Officer of Bayview Station, to address the Commission on Police Activities in the Bayview District
7. Public Comments
   (Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

**There will be Public Comments on any item before or during discussion of each item.*

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PUBLIC MEETING/HEARING
ACCESSIBILITY INFORMATION

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The proceeding will be held at Bayview Police Station Community Room, 201 Williams.
The closest accessible BART n/a.
Accessible MUNI lines serving this location are #54 Felton Muni Line & #9 San Bruno

For information about MUNI service call 923 6142.

Accessible parking is available at the following location: Bayview Police Station
201 Williams Street, San Francisco

Accessible seating for persons with disabilities and wheelchairs will be available.

- For information about the meeting call 553-1667 Voice, or 553 9194 TDD.

San Francisco Police Department

Captain P. Jackson

Will be hosting the

The San Francisco Police Commission

June 20th 2001 Meeting

Location Bayview Station

201 Williams Street

6:00 PM

Bayview District is presently witnessing the revitalization and the beautification of our neighborhood. The character and flavor of the Bayview Hunter's point is again changing, as we witness the renovation of houses and relocation of new vital businesses. The San Francisco Police Department Philosophy of community policing plays a vital role in the new improving Bayview District. Bayview Station will address the current status of the Bayview district at the upcoming Special Police Commission meeting.

The meeting is open to the public to present any concerns as they relate to the police department. Public comment is encouraged. As Captain of the Bayview Police District I feel if we work as a team we can make a positive change.

JUNE 20, 2001 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in the Bayview District, at the Bayview Station, 201 Williams Street, San Francisco, at 6:20 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Herrera, Friday, Quaranta

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Chan welcomed the audience and introduced the Commission.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau welcomed the audience and introduced the Command Staff.

OCC DIRECTOR'S REPORT RE: STAFFING, BUDGET AND SUMMARY OF RECENT EVENTS

Director Dunlap described function and duties of the OCC.

CAPTAIN PATRICIA JACKSON, COMMANDING OFFICER OF BAYVIEW STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE BAYVIEW DISTRICT

Captain Jackson described activities in the Bayview District.

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PUBLIC COMMENTS

Larry Cossell, editor of the Portola Press, handed the Commission a copy of the monthly magazine and stated that Captain Jackson is doing a good job in the district.

Walter, minister, thanked Captain Jackson for the positive things she is doing within the district.

Joe Gallaread discussed concerns regarding abandoned cars in the district.

Barbara Bushwell, ROSES, discussed concerns regarding abandoned stolen cars in the district.

Mr. Shafin, ROSES, discussed concerns regarding gangs and drug dealers.

Max Phillips, ROSES, discussed concerns regarding reporting on-viewed crimes to the police.

Mr. McCann commended Captain Jackson.

Ms. Taylor, Neighborhood for Seniors, commended Captain Jackson.

Mr. Wise, Bayview/Revere Group, asked the Commission not to transfer Captain Jackson and to support her with resources and finances.

Jim Rodriguez commended Captain Jackson.

Ms. Mechan, OMI Merchants Community Center, asked the Commission and community organizations for their assistance to bridge the gap between police and the community.

Unidentified commended Captain Jackson.

Rochelle, Youth Employment Organization, inquired about jobs she can send juveniles to.

Assistant District Attorney addressed the Commission and the community of the activities of the District Attorney's office in helping rid the district of abandoned property and stated that she is working closely with Captain Jackson.

Ms. Brown, ROSES, commended Captain Jackson.

Diana inquired about the meaning of Community Policing. Chief Lau responded and explained the meaning.

Ms. Madden, Ms. Mohand and Mr. Brown, Bayview Hill Neighborhood

Association, thanked Captain Jackson for the good job she is doing for the district.

Thereafter, the meeting was adjourned at 7:55 p.m.

_____
Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

1273/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SIDNEY CHAN
PRESIDENT

CONNIE PERRY
Vice President

DENNIS HERRERA
Commissioner

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

LT. EDWARD GRETER
Secretary

7/4
cancelled

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING

There will be no Police Commission Regular Meetings on ***Wednesday, June 27th and July 4, 2001*** The next Police Commission Regular Meeting is scheduled for **Wednesday, July 11, 2001**, 5:30 p.m., at Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, Room 551.

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SIDNEY CHAN
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Vice President

DENNIS HERRERA
Commissioner

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

LT. EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

AND NOTICE OF SPECIAL MEETING
WEDNESDAY, JULY 11, 2001
5:15 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 505
San Francisco, California

CLOSED SESSION

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07-09 01:A09:43 RCVD

1. Roll Call

2. Public Comments on all matters pertaining to the Closed Session

3. Vote on whether to hold Closed Session and/or assert Attorney/Client Privilege to confer with legal counsel. (San Francisco Administrative Code Section 67.11(a).)

4. Closed Session held pursuant to Government Code 54956.9 and San Francisco Administrative Code Section 67.11(b).

   PUBLIC EMPLOYEE EVALUATION

   a. Chief of Police Fred H. Lau

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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SAN FRANCISCO POLICE COMMISSION AGENDA

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JUL - 9 2001

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REGULAR MEETING
WEDNESDAY, JULY 11, 2001
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

07-09-01A09:43 RCVD

1. Pledge of Allegiance
2. Roll Call
3. Discussion and Vote on whether to Disclose Discussion and Action taken in Closed Session
4. Police Commission Announcements
   a. Motion of Calendaring of New Items
5. Chief's Announcements and Review of Recent Department Events
6. Discussion and Action re: Awards Committee Recommendations
7. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
8. Discussion and Action re: Sale of Patrol Beat #72 from Patrol Special Richard P. Sousa to Patrol Special Charles Evans
9. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)
10. Hearing and Disposition on Disciplinary Charges filed against Captain Alex E. Fagan, Northern (File No. C01-079 JWA)

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.)

*There will be Public Comments on any item before or during discussion of each item.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163; E-MAIL: Donna Hall@ci.sf.ca.us. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

PUBLIC MEETING/HEARING
ACCESSIBILITY INFORMATION

- American sign language interpreters will be available upon request. Please contact Sgt. Michael Sullivan, at 553 1343, at least 72 hours prior to a proceeding. Late requests will be honored if possible.

- A sound enhancement system will be available upon request at the proceeding. Please contact Sgt. Michael Sullivan, at 553 1343 at least 72 hours prior to a proceeding. Late requests will be honored if possible.

- Minutes of the proceedings are available in alternative formats. If you require the use of a reader during the meeting, please contact Sgt. Michael Sullivan, at 553 1343 at least 72 hours prior to a proceeding. Late requests will be honored if possible.

- Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 553 1343 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

- The proceeding will be held at 850 Bryant St. Room 551. The closest accessible BART station is at 5th and Market St. Accessible MUNI lines serving this location are 42 and 9X San Bruno Express.

For information about MUNI service call 923 6142.

Accessible parking is available in the pay parking lot at the rear of the Hall of Justice, enter on 7th St. south of Harrison St.

Accessible seating for persons with disabilities and wheelchairs will be available.

- For information about the meeting call 553 1667 Voice, or 553 9194 TDD.

San Francisco Police Department

SF
245
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JULY 11, 2001 **CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in their chambers, Room 505, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:15 p.m., in Closed Session.

PUBLIC COMMENTS ON ALL MATTERS PERTAINING TO THE CLOSED SESSION

Barbara Thomson spoke against the Commission meeting in Closed Session to discuss the evaluation of Chief Fred Lau. She gave the Commission a written statement, which in part stated that she felt that Chief Lau did not meet the employment goals of hiring under the Consent Decree guidelines.

PUBLIC EMPLOYEE EVALUATION
a. Chief of Police Fred H. Lau

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PRESENT: Commissioners Chan, Perry, Herrera, Friday, Quaranta

JULY 11, 2001 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:37 p.m. in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Herrera, Friday, Quaranta

DISCUSSION AND VOTE ON WHETHER TO DISCLOSE DISCUSSION AND ACTION TAKEN IN CLOSED SESSION

The Commission needs more information. Evaluation to be put over until next week.

AYES: Commissioners Chan, Perry, Herrera, Friday, Quaranta

POLICE COMMISSION ANNOUNCEMENTS
a. Motion of Calendaring of New Items

None

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau deferred to Lt. Barretta and Inspector Ackerson to present three citizens awards who assisted in capturing a robbery suspect and who assisted the police in a hit and run accident.

Van Jones asked if the meeting could be moved to a different location to accommodate the many people standing outside and could not hear.

Commissioner Chan stated that at the late date and time, the meeting could not be moved.

RESOLUTION NO. 47-01

AWARDS GRANTED TO MEMBERS OF THE POLICE DEPARTMENT

WHEREAS, the following named members of the Police Department have been commended for courageous service under the provisions of General Order 3.09, Section I.A.1 of the San Francisco Police Department, as approved by the Awards Committee on Tuesday, June 12, 2001, and Wednesday, June 20, 2001; and

WHEREAS, Chief of Police Fred H. Lau has recommended to the Police Commission that the said members be rewarded under the provisions of Section 8.405(a)(4) of the Charter of the City and County of San Francisco; therefore be it

RESOLVED, that Officers Joseph Juarez and Jesus Pena are hereby awarded the Gold Medals of Valor and granted a reward of $1500.00 each provided for under said section of the Charter; and be it further

RESOLVED, that Sergeant William Scott, Officers Steve Murphy, David Hamilton, Edith Lewis, Paul Lozada, Michael Alexander, Stephen Paulsen, and Steven Maionchi are hereby awarded Silver Medals of Valor and granted rewards of $1000.00 each, as provided for under said Section of the Charter; and be it further

RESOLVED, that Sergeants Michael Cesari and Wallace Gin, Officers Daniel Murphy, Reynaldo Serrano, Patrick Butherus, Thomas Westbrook, Richard Araujo, Damon Hart, Gregory Watts, Jason Sawyer, Mark Lantrip, Matthew Cole, Lyn Weggenmann, John Bragagnolo, Jeffrey Aloise, Robert Padrones, Charles Collins, David Dorantes, Ricardo Valdez, Keith Singer, Scott Korte, Michael Nevin, Michael Andraychak, Henry Yee, Tim Kiely, Tadao Yamaguchi, Kenneth Koenig, and Roger Peters are hereby awarded Bronze Medals of Valor and granted rewards of $500.00 each, as provided for under said Section of the Charter; and be it further

RESOLVED, that Sergeants John A. Haggett and Robert Del Torre, Inspectors Kenneth P. Stocker, Lynn Atkinson, Jason Cherniss, Robert McMillan, Daniel Hance, Robert Yick, David Horton, Joseph Engler, Robert Doss, and Lewis Bronfeld, Officers Richard Oakes, Dominic Yin, Mario Molina, Andy Castro, Robert Sheehan, Joseph Gonsalves, Michael Lee, Dean Ries, David Goff, John Conefrey, Michael Androvich, Moses Gala, and Arshad Razzak are hereby awarded Meritorious Conduct Awards and granted a reward of $200.00 each, as provided for under said Section of the Charter.

AYES: Commissioners Chan, Perry, Herrera, Friday, Quaranta

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Director Mary Dunlap addressed the Commission on the issue that she shared a seat on a panel in Philadelphia regarding citizen review board.

RESOLUTION NO. 48-01

APPROVAL OF TRANSFER OF BEAT #72 FROM PATROL SPECIAL RICHARD P. SOUSA TO PATROL SPECIAL CHARLES EVANS

RESOLVED, that the Police Commission hereby approves transfer of Patrol Beat No. 72 from Patrol Special officer Richard P. Sousa to Patrol Special Officer Charles Evans.

AYES: Commissioners Chan, Perry, Herrera, Friday, Quaranta

PUBLIC COMMENTS

Van Jones asked the Commission if they could permit some people to speak more than the allotted 2 minutes.

Bernadette discussed concerns regarding Metreon incident.

Unidentified discussed concerns regarding Metreon incident.

Leroy read a poem.

Samantha, Bay Area Police Watch, discussed concerns regarding shooting incident.

Mary Conner spoke regarding Police Crisis Program

Unidentified read a poem.

Van Jones asked for a moment of silence.

Mother of shooting victim talked about her son.

Unidentified discussed concerns.

Van Jones discussed Metreon incident.

Joe discussed concerns regarding police shooting.

Unidentified spoke (in Spanish). Interpreter translated and stated that he was a day laborer and discussed being harassed by the police because he's a person of color.

Mia discussed concerns regarding shooting.

Simon discussed concerns regarding shooting.

Unidentified female read a poem.

Leroy handed the Commission a printed sheet regarding Open Forum on July 19th for Senseless Crimes.

Brody, 6th Street resident, discussed concerns.

Unidentified female stated that a friend is being tried for murder that he didn't do.

Mr. Ho, member of Let's Get Free, discussed concerns regarding the shooting.

Unidentified male addressed the Commission regarding shooting.

Eva, Forum for Women Committee, asked the Commission to listen to the people speaking tonight and asked that the department looks for ways to deal with people who has mental illness problems.

Ron, from Oakland, discussed concerns.

Sira stated that the department should have more training in dealing with people of color and people with disabilities.

Tiger discussed concerns.

Mr. Graywolf discussed concerns.

Alma, POWER, asked why the victim was shot over 20 times.

Batty, a doctor, stated that he has seen many victims brought to the hospital who have been beaten by the police. He stated that the police should have training regarding how to deal with mental patients.

Robin Horner asked the Commission to fix the problem.

Unidentified female stated that she will continue to come to the Commission meeting until the problem is corrected.

Alex discussed concerns.

Ms. Jackson, Books not Bars, addressed the Commission regarding people who are mentally ill.

Van Jones asked the Commission to respond to questions.

Commissioner Chan stated he wrote the questions and the Commission would respond in time and that the Commission is not prepared to answer public question at this time.

HEARING OF CAPTAIN ALEX E. FAGAN, STAR NO. 1265, NORTHERN (FILE NO. JWA C01-079)

The hearing of Captain Alex E. Fagan, Star No. 1265, was called it having been set for this date. ***Captain Fagan*** was charged, in properly verified complaints by Chief of Police Fred H. Lau of the San Francisco Police Department, with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1:

Leaving the scene of an accident while driving a department vehicle and failing to notify communications of two automobile accidents (violation of Rule I-A of Department General Order 2.06 of the San Francisco Police Department);

SPECIFICATION NO. 2:

Engaging in conduct which subverts the order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

Captain Alex Fagan appeared in person and was represented by Mr. James

Collins, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Captain Fagan admitted to the truth of the charges contained in Specification Nos. 1 and 2 contained in File No. JWA C01-079. Captain Fagan personally affirmed the admission in these matters and accepts responsibility for his actions.

Based on Captain Fagan's admission, the Commission requested a recommendation from Chief of Police Fred H. Lau. It is the recommendation of the Chief of Police that on Specification No. 1, Captain Fagan be suspended for thirty (30) days with fifteen (15) days served and fifteen (15) days held in abeyance for two (2) years on condition of his good conduct and receiving no sustained complaints of misconduct during the two years; and, on Specification No. 2, Captain Fagan be suspended for thirty (30) days with fifteen (15) days served and fifteen (15) days held in abeyance for two years.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 49-01

DECISION-HEARING OF CAPTAIN ALEX E. FAGAN, STAR NO. 1265, NORTHERN (FILE NO. C01-079 JWA)

WHEREAS, on April 27, 2001, Fred H. Lau, Chief of Police of the San Francisco Police Department, made and served amended charges against Captain Alex E. Fagan, Star No. 1265, as follows:

SPECIFICATION NO. 1

Leaving the scene of an accident while driving a department vehicle and failing to notify communications of two automobile accidents (violation of Rule I-A of Department General Order 2.06 of the San Francisco Police Department);

(1) At all times herein mentioned Alex E. Fagan, Star Number 1265, (referred to as "the accused") was a police officer, holding the rank of Q-80 Captain, employed by the San Francisco Police Department, assigned to the Field Operation Bureau, as Commanding Officer of the Northern Police District.

(2) As a member of the department, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department.

(3) On September 3, 2000, at 1630 and again at 1740 hours, the accused was off duty driving a department unmarked vehicle, number 161-C-189, assigned to him. He had just attended a San Francisco Giants baseball game at PacBell Park.

(4) After he left PacBell park the accused entered the freeway at the 4th Street on ramp and proceeded southbound on Highway 101, which is also westbound Interstate 80. On September 3, 2000 at 1630 hours, near the Fell Street Exit from Highway 101, the accused stated that he swerved to avoid another automobile and struck a sand filled yellow barricade barrel on the gore point causing extensive damage to the front end of the department car the accused was driving.

(5) The accused did not stop at the scene of the collision with the barrels because of the freeway traffic. The accused proceeded southbound on Highway 101 to the Cesar Chavez Street Exit. The accused returned northbound on city streets to report the accident to the California Highway

Patrol offices located at 8th Street and Bryant Street in San Francisco.

(6) En route to the California Highway Patrol offices the accused proceeded from Cesar Chavez Street northbound on Potrero Avenue. The accused turned off Potrero Avenue onto 23rd Street eastbound. The accused then turned onto Rhode Island Street northbound.

(7) On September 3, 2000, at 1740 hours the accused came over the crest of a hill at 18th Street and Rhode Island Street and half way down the 500 block on Rhode Island Street, veered into the oncoming traffic lane and collided with an automobile driving southbound on Rhode Island Street. The accused did not have his California Drivers License in his possession but did give the driver of the other automobile his business card as Captain of Police at Northern Station. The accused left the scene of the collision in his damaged department vehicle to retrieve his drivers license. To assure the driver of the vehicle he had struck ("the victim") that he would return, the accused left his 20 year old daughter at the scene of the collision.

(8) About 45 minutes later two motorcycle officers responded to the collision scene, they were accompanied by an unmarked pickup truck, the unmarked pickup truck took the accused's daughter from the scene of the accident. The accused did not return to the scene of the collision.

(9) On September 3, 2000, the accused was involved in two automobile collisions while driving a department owned automobile, the accused did not notify Communications of either collision.

(10) Department General Order, 2.06 Rule I-A requires members involved in a collision while driving a department vehicle within the City and County of San Francisco to immediately notify Communications and to wait at the scene for the arrival of the member's supervisor and an investigator. Rule 10 of Department General Order 2.01 requires members to follow all written orders of the department. The accused by failing to notify the Communications Division that he caused damage to the vehicle assigned to him in either of the two collisions and to the victim's automobile violated Department General order 2.06 Rule I-A and Department General Order 2.01, Rule 10.

(11) The accused, by causing damage to the department vehicle he was driving and to another vehicle lawfully operating on the street and leaving the scene violated Department General Order 2.06, Rule I-A, which states:

"VEHICLE COLLISIONS INVOLVING MEMBERS
This order outlines the responsibilities of members involved in vehicle collisions occurring either on or off duty.

I. NOTIFICATION. A member involved in a vehicle collision while operating a Department vehicle (i.e., a vehicle owned, leased or rented by the City) or while on duty and operating a privately owned vehicle that has been authorized for official Department use shall follow these procedures:

A. WITHIN THE CITY AND COUNTY OF SAN FRANCISCO. If the collision occurs within the City and County of San Francisco:

1. Remain at the collision scene except in cases of extreme emergency, e.g., a violent felony in progress.

2. Notify the Communications Division as soon as practicable. If the member is incapacitated, the senior ranking officer at the scene is responsible for notifying the Communications Division.

a. The Communications Division shall ensure that the member's supervisor and a collision investigator respond to the scene. if the member's unit or division is closed, or the member's supervisor is unavailable, the

supervisor of the district of occurrence shall respond and conduct the investigation.

SPECIFICATION NO. 2:

Engaging in conduct which subverts the order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

(12) Each and every allegation contained in paragraphs (1) through (10), inclusive, of SPECIFICATION NO. 1 above is incorporated herein by reference and is realleged as though set forth in full.

(13) On September 3, 2000, at 1740 hours the accused drove his department issued automobile, which had been damaged in a collision at 1630 hours, in a negligent manner and collided with another automobile. The accused violated Rule 22 of Department General Order 2.01, by his failure to properly care for department property entrusted to his care.

(14) On September 3, 2000, after he collided with the barrier barrels on the gore point at the Fell Street Exit from Highway 101, damaging the front end of his department vehicle and according to his account, covering his automobile with sand from the barrels, the accused did not take his department vehicle to the Highway Patrol Offices to report the collision, the damage to his department vehicle or the damage to state property. The accused reported the collision to the Highway Patrol on September 4, 2000, only after consulting with another senior member of the department. Department policy requires that members make immediate reports to the department and other involved agencies. Department General Order 2.06 provides in pertinent part:

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A. WITHIN THE CITY AND COUNTY OF SAN FRANCISCO. If the collision occurs within the City and County of San Francisco:

1. Remain at the collision scene except in cases of extreme emergency, e.g., a violent felony in progress.
2. Notify the Communications Division as soon as practicable. If the member is incapacitated, the senior ranking officer at the scene is responsible for notifying the Communications Division.
   a. The Communications Division shall ensure that the member's supervisor and a collision investigator respond to the scene. if the member's unit or division is closed, or the member's supervisor is unavailable, the supervisor of the district of occurrence shall respond and conduct the investigation.

B. OUTSIDE THE CITY AND COUNTY OF SAN FRANCISCO. If the collision occurs outside the City and County of San Francisco:

1. Remain at the collision scene except in cases of extreme emergency, e.g., a violent felony in progress.
2. Request that the appropriate jurisdiction respond to the scene (if possible), investigate and complete a collision report."

(15) The accused by engaging in the following acts of misconduct; failure to properly care for department property entrusted to him and for failing to immediately report the first collision with barricade barrels to the highway patrol as described above, has engaged in conduct which subverts the good order, efficiency and discipline of the department and brings discredit on the department in violation of Rule 9 of Department General Order 2.01, which states:

MISCONDUCT. "Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Appendix A, Section A 8.343 of the Charter of the City and County of San Francisco on July 11, 2001 where the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Captain Alex Fagan's admission, the Commission finds the charges contained in Specification Nos. 1 and 2 contained in File No. C01-079 JWA. are sustained, and the Commission adopts the sustained specifications as its findings in this matter; therefore, be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety, and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1
Sustained

SPECIFICATION NO. 2
Sustained

That on Specification No. 1, Captain Fagan be suspended for thirty (30) days with fifteen (15) days served and fifteen (15) days held in abeyance for two (2) years on condition of his good conduct and receiving no sustained complaints of misconduct during the two years; and, on Specification No. 2, Captain Fagan be suspended for thirty (30) days with fifteen (15) days served and fifteen (15) days held in abeyance for two years;

That the total thirty (30) day suspension shall commence on Wednesday, August 1, 2001, at 0100 hours, and terminate on Thursday, August 30, 2001, at 2400 hours.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time and within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Chan, Perry, Herrera, Friday, Quaranta

Thereafter, the meeting was adjourned.

_____
Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

1273/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

AND NOTICE OF SPECIAL MEETING
WEDNESDAY, JULY 18, 2001
5:15 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 505
San Francisco, California

CLOSED SESSION

1. Roll Call

2. Public Comments on all matters pertaining to the Closed Session

3. Vote on whether to hold Closed Session and/or assert Attorney/Client Privilege to confer with legal counsel. (San Francisco Administrative Code Section 67.11(a).)

4. Closed Session held pursuant to Government Code 54956.9 and San Francisco Administrative Code Section 67.11(b).

   PUBLIC EMPLOYEE EVALUATION

   a. Chief of Police Fred H. Lau

   CONFERENCE WITH LEGAL COUNSEL - Existing Litigation

   a. Robert Weidman v. City and County of San Francisco, U.S.D.C. for the Northern District of California, Case No. C99-4442 THE, File No. 000385

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LT. EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JULY 18, 2001
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

07-16-01A10:29 RCVD

1. Pledge of Allegiance
2. Roll Call
3. Discussion and Vote on whether to Disclose Discussion and Action taken in Closed Session
4. Approval of Consent Calendar
5. Police Commission Announcements
   a. Motion of Calendaring of New Items
6. Discussion and Action re: Resignation of Officer Timothy P. Fitzgerald, Southern (File Nos. C00-410 JWA, C01-024 JWF, C01-076 JWF, C01-71 JWA)
7. Chief's Announcements and Review of Recent Department Events
8. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
9. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

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*There will be Public Comments on any item before or during discussion of each item.

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(Chapter 67 of the San Francisco Administrative Code)

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SIDNEY CHAN
PRESIDENT

CONNIE PERRY
Vice President

DENNIS HERRERA
Commissioner

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

LT. EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, JULY 18, 2001
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

CONSENT CALENDAR

1. Request of the City Attorney for Settlement of the following claim:

   a. Robert Weidman v. City and County of San Francisco, U.S.D.C. for the Northern District of California, Case No. C99-4442 THE, File No. 000385

2. Request of the Chief of Police to Accept Donation of $750.00 from Mr. and Mrs. Manou Mobedshahi for use of the Taraval Station's Kids to Camp Program

PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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San Francisco Police Department

JULY 18, 2001 **CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:15 p.m., in Closed Session.

PUBLIC EMPLOYEE EVALUATION
a. Chief of Police Fred H. Lau

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation
a. Robert Weidman v. City and County of San Francisco, U.S.D.C. for the Norther District of California, Case No. C99-4442 TEH, File No. 000385

PRESENT: Commissioners Chan, Herrera, Quaranta
ABSENT: Commissioners Perry, Friday

JULY 18, 2001 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:45 p.m., in Regular Meeting.

PRESENT: Commissioners Chan, Perry, Herrera, Friday, Quaranta

DISCUSSION AND VOTE ON WHETHER TO DISCLOSE DISCUSSION AND ACTION TAKEN IN CLOSED SESSION

Commissioner Chan stated that during Closed Session, the Commission, by a 5 to 0 vote, approved the base pay salary adjustments for Chief Lau.

AYES: Commissioners Chan, Perry, Herrera, Friday, Quaranta

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APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 50-01

ROBERT WEIDMAN v. CITY AND COUNTY OF SAN FRANCISCO, U.S.D.C. for the Northern District of California, Case No. C99-4442 TEH

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Robert Weidman vs. City and County of San Francisco" U.S.D.C. for the Northern District of California, Case No. C99-4442 TEH, be, and the same is hereby approved.

Date of Incident: Various

AYES: Commissioners Chan, Perry, Herrera, Friday, Quaranta

RESOLUTION NO. 51-01

APPROVAL TO ACCEPT DONATION OF $750.00 FROM MR. AND MRS. MANOU MOBEDSHAHI FOR USE OF THE TARAVAL STATION'S KIDS TO CAMP PROGRAM

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donation of $750.00 from Mr. and Mrs. Manou Mobedshahi for use of the Taraval Station's Kids to Camp Program.

AYES: Commissioners Chan, Perry, Herrera, Friday, Quaranta

POLICE COMMISSION ANNOUNCEMENTS
a. Motion of Calendaring of New Items

Commissioner Chan announced that next week's Commission meeting, 7/24/01, will be held at Ingleside Police Station.

RESOLUTION NO. 52-01

HEARING OF TIMOTHY P. FITZGERALD, SOUTHERN
(FILE NOS. C00-410 JWA, C01-024 JWF, C01-076 JWF, C01-71 JWA)

WHEREAS, on December 11, 2000, March 7, 2001, April 4, 2001, and April 12, 2001, Fred H. Lau, Chief of Police, made and served charges against Police Officer Timothy P. Fitzgerald, Star No. 112, as follows:

FILE NO. C00-410 JWA

SPECIFICATION NO. 1
Engaging in conduct which subverts the order, efficiency, and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.10 of the San Francisco Police Department);

SPECIFICATION NO. 2
Brandishing a firearm (violation of Rule I-D Department General Order 5.02 of the San Francisco Police Department;

SPECIFICATION NO. 3
Carrying a handgun while intoxicated (violation of Rule I-A-3 of Department General Order 2.02 of the San Francisco Police Department)

FILE NO. C01-071 JWA

SPECIFICATION NO. 1
Engaging in conduct which subverts the order, efficiency, and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.10 of the San Francisco Police Department);

SPECIFICATION NO. 2
Engaging in conduct which subverts the order, efficiency, and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.10 of the San Francisco Police Department);

FILE NO. C01-076 JWF

SPECIFICATION NO. 1
Discourtesy (for using profane language and exhibiting discourteous and unprofessional behavior, in violation of Department General Order 2.01, Rule 14);

SPECIFICATION NO. 2
Sexual slur (for using sexually derogatory language to a civilian, in violation of Department General Order 2.01, Rule 9 and 14);

FILE NO. C01-024 JWF

SPECIFICATION NO. 1
Unwarranted Action (for detaining and handcuffing a civilian without justification, in violation of Department General Order 5.03, Rules I.A. and I.B.);

SPECIFICATION NO. 2
Unwarranted Action (for searching a civilian without justification, in violation of Department General order 2.01, Rule 7.);

SPECIFICATION NO. 3
Neglect of Duty (for failing to issue a civilian a Certificate of Release, in violation of Department General Order 5.03, Rule III.A.3.);

SPECIFICATION NO. 4
Conduct Reflecting Discredit (for making inappropriate and profane comments, exhibiting discourteous behavior, and threatening a civilian, in violation of Department General Order 2.01, Rules 9 and 14);

WHEREAS, Officer Timothy P. Fitzgerald, Star No. 112, Southern, has turned in his resignation from the San Francisco Police Department effective July 11, 2001; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Officer Timothy P. Fitzgerald, be, and the same are hereby continued off calendar.

AYES: Commissioners Chan, Perry, Herrera, Friday, Quaranta

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

No report.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Ms. Sheeri Tonie, for Director Dunlap, addressed the Commission and informed the Commission that the OCC office is actively recruiting for the position of policy and outreach specialist.

PUBLIC COMMENTS

Andrea O'Leary addressed the Commission on the upcoming dog leash policy. She asked for the Commission to push the approval of the dog leash policy draft. Copies of the policy was given to the Commission

Thereafter, the meeting was adjourned at 6:05 p.m.

_____
Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Commissioner

LT. EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JULY 25, 2001
6:00 p.m.

INGLESIDE DISTRICT
INGLESIDE STATION COMMUNITY ROOM
1 John Young Lane
San Francisco

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1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Sergeant John A. Haggett, Taraval (File No. C01-270 JWF)
5. Police Commission Announcements
   a. Motion of Calendaring of New Items
6. Chief's Announcements and Review of Recent Department Events
7. OCC Director's Report re: Staffing, Budget and Summary of Recent Events
8. Captain Marsha Ashe, Commanding Officer of Ingleside Station, to address the Commission on Police Activities in the Ingleside District
9. Public Comments
   (Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

CONSENT CALENDAR

1. Request of the Chief of Police to Accept the gift of the use of the PoliceOne.com Hummer, from Praetoria Group, Inc., for use of the Recruitement and Retention Unit

**There will be Public Comments on any item before or during discussion of each item.*

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PUBLIC MEETING/HEARING
ACCESSIBILITY INFORMATION

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- Minutes of the proceedings are available in alternative formats. If you require the use of a reader during the meeting, please contact Sgt. Michael Sullivan, at 553 1343 at least 72 hours prior to a proceeding. Late requests will be honored if possible.

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- The proceeding will be held at Ingleside Police Station, #1 John Young Lane, San Francisco.
  The closest accessible BART Balboa Bart Station.
  Accessible MUNI lines serving this location are J, K, and M Streetcars, #26 Valencia #54 Felton

For information about MUNI service call 923 6142.

- Accessible parking is available at the following location: #1 John Young Lane

- Accessible seating for persons with disabilities and wheelchairs will be available.

- For information about the meeting call 553-1667 Voice, or 553 9194 TDD.

San Francisco Police Department

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JULY 25, 2001 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in the Ingleside District, Ingleside Station Community Room, 1 John Young Lane, San Francisco, at 6:10 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Herrera, Quaranta
ABSENT: Commissioner Friday

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 53-01

APPROVAL TO ACCEPT GIFT OF THE USE OF THE POLICEONE.COM HUMMER, FROM PRAETORIA GROUP, INC., FOR USE BY THE RECRUITMENT AND RETENTION UNIT

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept gift of the use of the PoliceOne.com Hummer, from Praetoria Group, Inc., for use by the Recruitment and Retention Unit.

AYES: Commissioners Chan, Perry, Herrera, Quaranta
ABSENT: Commissioner Friday

RESOLUTION NO. 54-01

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST SERGEANT JOHN A. HAGGETT, TARAVAL (FILE NO. C01-270 JWF)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in disciplinary charges filed against Sergeant John A. Haggett, Star No. 16, Taraval, was called it having been set for this date; and

WHEREAS, Commissioner Dennis Herrera is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Sergeant John A. Haggett; therefore be it

RESOLVED, that Commissioner Dennis Herrera is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Sergeant John Haggett, and is to be set at a later date.

AYES: Commissioners Chan, Perry, Herrera, Quaranta
ABSENT: Commissioner Friday

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Chan announced that there will be a Commission meeting next week, August 1st.

Commissioner Quaranta announced that he will be in Italy during the month of August.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau introduced the Command Staff.

Captain Ashe introduced Mrs. Bray, principal of Balboa High School, who presented two Police Appreciation awards to two young girls for their assistance in a hit and run accident.

OCC DIRECTOR'S REPORT RE: STAFFING, BUDGET, AND SUMMARY OF RECENT EVENTS

Dennis Maxson, for Director Mary Dunlap, introduced himself and described duties and responsibilities of the OCC office.

CAPTAIN MARSHA ASHE, COMMANDING OFFICER OF INGLESIDE STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE INGLESIDE DISTRICT

Captain Ashe described the activities that had occurred and activities planned within the district. She then introduced Dr. Mills of the Health Realization Institute and Officer Williams of Oakland P.D.

Dr. Mills addressed the Commission and stated that he teaches leadership and empowerment programs in intercity communities such as the Sunnydale Housing Development. He stated that he has been successful in ridding neighborhoods of crimes and drug use through a new concept of community policing.

Officer Williams, Oakland P.D., stated that Dr. Mills and seven officers from Ingleside Police Station will receive training on this new concept of community policing and will introduce this concept into the Sunnydale Housing Community.

PUBLIC COMMENTS

Mr. Currier stated that the community has been given a grant to assist in educating people of the dangers of parking on sidewalks. He further stated that the community will present an awards to Ingleside Police Station for raising funds to assist the family of the 10 year old boy who was attacked by three pitt bulls.

Unidentified female addressed the Commission and asked if the department could do more to prevent cars from parking on sidewalks.

Ms. Wood, Miraloma Park Neighborhood, asked for more patrol and commended Captain Ashe.

Commissioner Chan introduced Supervisor Tony Hall.

Supervisor Hall thanked the officers for their increased patrol in District #7.

Ms. O'Leary, Miraloma Park area, discussed concerns regarding dogs off leash policy.

Ms. Barron commended officers of Ingleside Station for a job well done.

Unidentified commended Captain Ashe.

Ms. Davidson, Cayuga Improvement Association, handed flyers and commended officers for a job well done.

Unidentified, from the Geneva Towers area, discussed quality of life issues.

Chief Lau announced that the Mayor has decided not to move the Police Academy from Diamond Heights to Treasure Island.

Ms. Mary Lively, Sunnydale area resident, discussed concerns regarding children in the neighborhood.

Unidentified discussed concerns regarding children in the neighborhood.

Unidentified discussed ways to solve neighborhood problems.

Tony, father of one of the girls who received an award, thanked the Department.

Thereafter, the meeting was adjourned at 7:15 p.m.

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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ANGELO QUARANTA
Commissioner

LT. EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, AUGUST 1, 2001
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance
2. Roll Call
3. Police Commission Announcements
   a. Motion of Calendaring of New Items
4. Chief's Announcements and Review of Recent Department Events
5. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
6. Discussion and Action re: OCC Policy Recommendation No. 0390-99, "Questioning of Transgender Individuals"
7. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

07-31-01A10:5[illegible] RCVD

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.)

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PUBLIC MEETING/HEARING
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San Francisco Police Department

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The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:36 p.m.

PRESENT: Commissioners Perry, Herrera, Friday
ABSENT: Commissioners Chan, Quaranta

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Herrera announced that, due to the fact that he is running for City Attorney, he will be resigning from the Commission effective 8/15/01.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Deputy Chief Welch, for Chief Lau, wished Commissioner Herrera success in his future pursuits and that it was a pleasure to have him on the Commission.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Director Mary Dunlap stated that things are well at the OCC and announced her appreciation for a job well done by Commissioner Herrera and that he would be missed.

DISCUSSION AND ACTION RE: OCC POLICY RECOMMENDATION NO. 0390-99, "QUESTIONING OF TRANSGENDER INDIVIDUALS"

Director Mary Dunlap described the policy recommendation.

Deputy Chief Welch advised the Commission that the Academy is in the process of expanding training on the subject of transgender and that they are in contact with the Human Rights Commission to extend the training to Role Call training.

Supervisor Mark Leno addressed the Commission and recommended that the Commission adopt the Policy Recommendation.

Ms. Sparks, Martha, Cynthia, and Mr. Shildes, representatives of the Human Rights Commission, addressed the Commission and recommended that the department accept the policy recommendation and to begin training on this issue. They also stated that the Human Rights Commission would like to be included in setting up the training program.

Commissioner Perry asked for a motion. Motion made by Commissioner Herrera, second by Commissioner Friday.

Commissioner Perry asked that the Commission be given an update report within six months.

RESOLUTION NO. 55-01

APPROVAL OF OCC POLICY RECOMMENDATION NO. 0390-99, "QUESTIONING OF TRANSGENDER INDIVIDUALS"

RESOLVED, that the Police Commission hereby approves OCC Policy Recommendation No. 0390-99, "Questioning of Transgender Individuals."

AYES: Commissioners Perry, Herrera, Friday
ABSENT: Commissioners Chan, Quaranta

PUBLIC COMMENTS

Ms. Young addressed the Commission regarding rave parties and the

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destruction it causes.

Mr. Talonzo, Taxicab Union, addressed the Commission regarding illegal taxi and limo drivers accepting passengers. He also asked the Commission to look into how taxicab permits are being issued.

Thereafter, the meeting was adjourned at 6:05 p.m.

_____

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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ANGELO QUARANTA
Commissioner

LT EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, AUGUST 8, 2001
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Announcements
   a. Motion of Calendaring of New Items
5. Chief's Announcements and Review of Recent Department Events
6. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
7. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

CONSENT CALENDAR

1. Request of the Chief of Police to Accept Donation of $4,000.00 from The Guardsmen for use by the San Francisco Police Department Wilderness Program

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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in **alternate formats** (computer disk, cassette tape, large print or Braille) upon advance request at least 72 hours at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty). Late requests will be honored if possible.

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For information about MUNI service call 923 6142

Accessible parking is available in front of the Hall of Justice, 850 Bryant Street.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting call 553 1667(v) or 553 9194 (tty)

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The Police Commission of the City and County of San Francisco met in their chambers, room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:44 p.m. in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Friday
ABSENT: Commissioner Herrera, Quaranta

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 56-01

APPROVAL TO ACCEPT DONATION OF $4,000.00 FROM THE GUARDSMEN FOR USE BY THE SAN FRANCISCO POLICE DEPARTMENT WILDERNESS PROGRAM

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donation of $4,000.00 from The Guardsmen for use by the San Francisco Police Department Wilderness Program.

AYES: Commissioners Chan, Perry, Friday
ABSENT: Commissioner Herrera, Quaranta

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Perry asked Lt. Geeter when is the next district meeting. Lt. Geeter announced that the next district meeting will be on August 22nd at the Richmond Police Station.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Assistant Chief Sanders, for Chief Lau, introduced Sgt. Ray Shine from the Traffic Division. Sgt. Shine briefed the Commission on the details of the upcoming "Grand Prix Bike Race scheduled to take place on September 9th.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Director Mary Dunlap informed the Commission that the OCC's new database is up and coming and that she expects that the information will be much quicker and easy to produce in the future.

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PUBLIC COMMENTS

Samantha and Van Jones stated that the community should be heard and responded to.

Samantha addressed the Commission regarding moving the Commission hearing to the 6th floor auditorium.

Unidentified discussed concerns regarding Metreon shooting.

Samantha discussed concerns regarding Metreon shooting.

Unidentified addressed the Commission regarding shooting.

Mr. Watson, godfather of victim, stated that the family should be given the names of the witnesses and the names of the officers involved.

Julia discussed concerns.

Unidentified discussed concerns.

Unidentified asked for names of officers involved.

Van Jones asked for names of witnesses and names of officers involved. He then placed phone to the microphone. Mother of victim was on the phone from Paris and she asked the Chief and the Commission to give her the names of officers involved in shooting.

June Bug stated that she will go to the Mayor, the district attorney, and the Board of Supervisors.

Unidentified discussed concerns.

Unidentified discussed concerns.

Van Jones addressed the Commission.

Chief Sanders read a letter from the attorney of the parents of the victim. In the letter, the attorney asked the department not to speak to the family regarding this case unless it is through him.

Thereafter, the meeting was adjourned at 7:35 p.m.

_____

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

1273/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SIDNEY CHAN
PRESIDENT

CONNIE PERRY
Vice President

DENNIS HERRERA
Commissioner

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

LT. EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, AUGUST 15, 2001
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Announcements
   a. Motion of Calendaring of New Items
5. Chief's Announcements and Review of Recent Department Events
6. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
7. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

CONSENT CALENDAR

1. Request of the Chief of Police to Accept Donation of four (4) Bulletproof Vests, from the Windmill Springs Middle School, for use by the Crime Prevention Company's K-9 Unit
2. Request of the Chief of Police to Accept Donation of $3,500.00, from The Guardsmen, for use by The San Francisco Police Department's Wilderness Program

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*There will be Public Comments on any item before or during discussion of each item.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

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Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163; E-MAIL: Donna Hall@ci.sf.ca.us. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language Interpreters or computer aided real time captioning will be made available upon advance request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406(tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in **alternate formats** (computer disk, cassette tape, large print or Brailie) upon advance request at least 72 hours at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553 1343 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at the Hall of Justice, 850 Bryant Street, 5th floor Police Commission Hearing Room. The closest accessible BART station is 5th and Mission Streets. Accessible MUNI lines serving this location are 42 and 9X San Bruno Express.

For information about MUNI service call 923 6142

Accessible parking is available in front of the Hall of Justice, 850 Bryant Street.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting call 553 1667(v) or 553 9194 (tty)

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1/15/01

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Herrera, Friday
ABSENT: Commissioner Quaranta

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 57-01

APPROVAL TO ACCEPT DONATION OF FOUR (4) BULLETPROOF VESTS FROM THE WINDMILL SPRINGS MIDDLE SCHOOL FOR USE BY THE CRIME PREVENTION COMPANY'S K-9 UNIT

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donation of four (4) bulletproof vests from the Windmill Springs Middle School for use by the Crime Prevention Company's K-9 Unit.

AYES: Commissioners Chan, Perry, Herrera, Friday
ABSENT: Commissioner Quaranta

RESOLUTION NO. 58-01

APPROVAL TO ACCEPT DONATION OF $3,500 FROM THE GUARDSMEN FOR USE BY THE SAN FRANCISCO POLICE DEPARTMENT'S WILDERNESS PROGRAM

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donation of $3,500.00 from the Guardsmen for use by the San Francisco Police Department's Wilderness Program.

AYES: Commissioners Chan, Perry, Herrera, Friday
ABSENT: Commissioner Quaranta

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

The Commission expressed their gratitude towards Commission Herrera whose resignation was effective at the end of this meeting.

Commissioner Herrera addressed those in attendance and expressed his respect for the department and his fellow Commissioners.

Commissioner Chan announced that the Commission meeting of 8/22/01 will be held at the Richmond Police Station at 6 p.m. He also announced that there will be no meeting on the 29th of August.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau expressed his gratitude to Commissioner Herrera.

The Chief introduced Lt. Bisordi who presented certificates of appreciation to students who raised money to purchase bulletproof vests for the Police Dog Unit. Certificates were presented to Elena Hansen, Dianne Thuong, Lea Mehrkens, and Teresa Lai. Not able to attend are Rachelle Menjivar, Hieu Le, Hanh Le and Julie Pham.

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OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Director Dunlap expressed her gratitude to Commissioner Herrera and

announced that things at the OCC office were going well.

PUBLIC COMMENTS

None

Thereafter, the meeting was adjourned at 6 p.m.

_____
Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

1273/rct

The Richmond District Community Police Forum

Cordially invite you and your neighbors
To attend the monthly meeting of

THE SAN FRANCISCO POLICE COMMISSION

Wednesday, August 22, 2001, at 6 P.M.
Richmond District Police Station
461-6th Avenue

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The Community Meeting Room is located behind the police station, access through the driveway form Sixth Avenue or through the mini-park on Seventh Avenue.

Free Parking is available at Kaiser Permanente, across the street from the Police Station.

For more information:
Richmond Station, Officer Jill Connolly, 666-8000
S.F. Neighborhood Safety Partnership, Karen Fishkin
553-1962, Ext. 39612

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SIDNEY CHAN
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CONNIE PERRY
Vice President

DENNIS HERRERA
Commissioner

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

LT. EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, AUGUST 22, 2001
6:00 p.m.

RICHMOND DISTRICT
RICHMOND STATION COMMUNITY ROOM
461 6th Avenue
San Francisco

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1. Pledge of Allegiance
2. Roll Call
3. Police Commission Announcements
   a. Motion of Calendaring of New Items
4. Chief's Announcements and Review of Recent Department Events
5. OCC Director's Report re: Staffing, Budget and Summary of Recent Events
6. Captain Edward Springer, Commanding Officer of Richmond Station, to address the Commission on Police Activities in the Richmond District
7. Public Comments
   (Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

**There will be Public Comments on any item before or during discussion of each item.*

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PUBLIC MEETING/HEARING
ACCESSIBILITY INFORMATION

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Minutes of the proceedings are available in alternative formats. If you require the use of a reader during the meeting, please contact Sgt. Michael Sullivan, at 553 1343 at least 72 hours prior to a proceeding. Late requests will be honored if possible.

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The proceeding will be held at The Richmond Police Station, 461 6th Avenue, S.F.
The closest accessible BART _____.
Accessible MUNI lines serving this location are #38 Geary Line, #44 Line & #31 Line

For information about MUNI service call 923 6142.

Accessible parking is available at the following location: _____

Accessible seating for persons with disabilities and wheelchairs will be availabl

- For information about the meeting call 553-1667 Voice, or 553 9194 TDD.

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8/22/01

The Police Commission of the City and County of San Francisco met in the Richmond Police Station, 461 6th Avenue, at 6 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Friday
ABSENT: Commissioner Quaranta

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Chan introduced the Commissioners and announced that there will be no meeting next week, 8/29.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Assistant Chief Sanders, for Chief Lau, introduced himself and the command staff.

OCC DIRECTOR'S REPORT RE: STAFFING, BUDGET, AND SUMMARY OF RECENT EVENTS

Ms. Donna Medley, for Director Dunlap, described the function of the OCC.

Commissioner Friday made a statement and informed Chief Sanders that he had received phone calls from citizens wanting to congratulate Inspector Celaya and his partner on a job well done while investigating the murder suspect who was captured in Reno.

CAPTAIN EDWARD SPRINGER, COMMANDING OFFICER OF RICHMOND STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE RICHMOND DISTRICT

Captain Springer addressed the Commission on activities in the Richmond District. Captain Springer introduced five citizens and presented each with a certificate of appreciation for assisting in fire rescue and the capture of two robbery suspects. Certificates were presented to Carlos Desilva, Cezar Roan, Goulino and Julie Yu, and Alanna Greenham.

Captain Springer also presented a certificate to Mr. Ben Pangan for the numerous times he assisted the police in helping locate witness/suspect in Golden Gate Park.

PUBLIC COMMENTS

Jean Lynch, a community activist, addressed the Commission and asked for assistance in the district to insure the police and the parking control officers enforce the laws regarding bikes, skates, and skate boarding on sidewalks.

David, Geary Street Merchants Association, commended Captain Springer and discussed concerns regarding bikes and skaters on the sidewalks.

Mike Poluszny addressed the Commission on the issue of illegal sexual activities occurring in the Mitchell Brothers sex houses.

Ben Pangan, recipient of one of the awards, wanted to thank officers of the Richmond Station.

Mrs. Erni Perotti addressed the Commission and asked for more motorcycle officers to help in traffic enforcement along Geary Street.

Bruce Oka asked for traffic enforcement as well as cars parked on sidewalks.

Unidentified discussed concerns about cars parked on sidewalks.

Captain Springer informed the Commission regarding the policy of

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ticketing cars blocking sidewalks. Captain Springer stated that his policy was for all beat officers to cite cars that are parked on the sidewalks.

Karen stated that Supervisor McGoldrick was having a meeting on 8/23/01 and that all is welcomed.

Parking Control Officer Berine Delima informed the community and the Commissioners that the policy of the Department of Parking and Traffic is to cite all cars who are parked with all four wheels on the sidewalk.

Thereafter, the meeting was adjourned at 7:40 p.m.

_____

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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AUGUST 15, 2001 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Herrera, Friday
ABSENT: Commissioner Quaranta

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 57-01

APPROVAL TO ACCEPT DONATION OF FOUR (4) BULLETPROOF VESTS FROM THE WINDMILL SPRINGS MIDDLE SCHOOL FOR USE BY THE CRIME PREVENTION COMPANY'S K-9 UNIT

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donation of four (4) bulletproof vests from the Windmill Springs Middle School for use by the Crime Prevention Company's K-9 Unit.

AYES: Commissioners Chan, Perry, Herrera, Friday
ABSENT: Commissioner Quaranta

RESOLUTION NO. 58-01

APPROVAL TO ACCEPT DONATION OF $3,500 FROM THE GUARDSMEN FOR USE BY THE SAN FRANCISCO POLICE DEPARTMENT'S WILDERNESS PROGRAM

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donation of $3,500.00 from the Guardsmen for use by the San Francisco Police Department's Wilderness Program.

AYES: Commissioners Chan, Perry, Herrera, Friday
ABSENT: Commissioner Quaranta

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

The Commission expressed their gratitude towards Commission Herrera whose resignation was effective at the end of this meeting.

Commissioner Herrera addressed those in attendance and expressed his respect for the department and his fellow Commissioners.

Commissioner Chan announced that the Commission meeting of 8/22/01 will be held at the Richmond Police Station at 6 p.m. He also announced that there will be no meeting on the 29th of August.

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CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau expressed his gratitude to Commissioner Herrera.

The Chief introduced Lt. Bisordi who presented certificates of appreciation to students who raised money to purchase bulletproof vests for the Police Dog Unit. Certificates were presented to Elena Hansen, Dianne Thuong, Lea Mehrkens, and Teresa Lai. Not able to attend are Rachelle Menjivar, Hieu Le, Hanh Le and Julie Pham.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Director Dunlap expressed her gratitude to Commissioner Herrera and

announced that things at the OCC office were going well.

PUBLIC COMMENTS

None

Thereafter, the meeting was adjourned at 6 p.m.

_____
Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Commissioner

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

LT. EDWARD DEITER
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING

There will be no Police Commission Regular Meeting on ***Wednesday, August 29, 2001.*** The next Police Commission Regular Meeting is scheduled for **Wednesday, September 5, 2001**, 5:30 p.m., at the Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, Room 551.

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SIDNEY CHAN
PRESIDENT

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Vice President

DENNIS HERRERA
Commissioner

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

LT. EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, SEPTEMBER 5, 2001
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Announcements
   a. Motion of Calendaring of New Items
   b. Notification of Resignation of Inspector Robert A. Tayac, (File No. DTC C97-115)
5. Chief's Announcements and Review of Recent Department Events
6. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
7. Discussion and Action re: Dismissal of Disciplinary Charges filed against Officer Rickey L. Williams, Ingleside (File No. C00-351 SCM)
8. Request of the Chief of Police for Approval to Apply for Retroactively, Accept, and Expend Funds to Implement the "Internet Crimes Against Children Task Force Program - San Francisco Satellite Initiative"
9. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SIDNEY CHAN
PRESIDENT

CONNIE PERRY
Vice President

DENNIS HERRERA
Commissioner

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

LT. EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, SEPTEMBER 5, 2001
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

CONSENT CALENDAR

1. Request of the Chief of Police to Accept Gift of four (4) 8 feet and two (2) 6 feet table coverings from Tip of the Iceberg Company for use by the Recruitment and Retention Unit

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*There will be Public Comments on any item before or during discussion of each item.

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PUBLIC MEETING/HEARING
ACCESSIBILITY INFORMATION

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The proceeding will be held at 850 Bryant St. Room 551. The closest accessible BART station is at 5th and Market St. Accessible MUNI lines serving this location are 42 and 9X San Bruno Express.

For information about MUNI service call 923 6142.

Accessible parking is available in the pay parking lot at the rear of the Hall of Justice, enter on 7th St. south of Harrison St.

Accessible seating for persons with disabilities and wheelchairs will be available.

- For information about the meeting call 553 1667 Voice, or 553 9194 TDD.

San Francisco Police Department

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SEPTEMBER 5, 2001 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Friday, Quaranta
ABSENT: Commissioner Makras

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 61-01

APPROVAL TO ACCEPT GIFT OF FOUR (4) 8 FEET AND TWO (2) 6 FEET TABLE COVERINGS FROM TIP OF THE ICEBERG COMPANY FOR USE BY THE RECRUITMENT AND RETENTION UNIT

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept gift of four 8 feet and two 6 feet table coverings from Tip of the Iceberg Company for use by the Recruitment and Retention Unit.

AYES: Commissioners Chan, Perry, Friday, Quaranta
ABSENT: Commissioner Makras

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items
b. Notification of Resignation of Inspector Robert Tayac (File No. DTC C97-115)

Commissioner Quaranta presented Chief Lau with a police hat from Italy with the request that it be displayed at the airport where police hats from around the world are displayed.

RESOLUTION NO. 59-01

RESIGNATION OF INSPECTOR ROBERT A. TAYAC, (FILE NO. DTC C97-115)

WHEREAS, on August 4, 1997, Fred H. Lau, Chief of Police, made and served charges against Police Inspector Robert A. Tayac, Star No. 1299, as follows:

SPECIFICATION NO. 1

Conduct Reflecting Discredit (engaging in conduct that subverts the order and discipline of the Department and reflects discredit upon the Department, in violation of Department General Order 2.01, Rule 9);

SPECIFICATION NO. 2

Unwarranted Action (improperly engaging in traffic enforcement while serving in a non-uniformed capacity, in violation of General Order 5.08);

SPECIFICATION NO. 3

Unwarranted Action (conducting an invalid computer query, in violation of Department bulletins and General Order 2.01);

WHEREAS, per settlement agreement of Tayac v. City and County of San Francisco, Inspector Robert A. Tayac has agreed to resign from the San Francisco Police Department, effective June 25, 2001; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the

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San Francisco Police Department filed against Inspector Robert A. Tayac, Star No. 1299, be, and the same are hereby continued off calendar.

AYES: Commissioners Chan, Perry, Friday, Quaranta
ABSENT: Commissioner Makras

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau informed the Commission that he had nothing to report and introduced Lt. Jim Leach who reported on the status of police recruitment.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Jean Field, for Director Mary Dunlap, stated that she had nothing to report but would answer any questions the Commission might have.

RESOLUTION NO. 60-01

DISMISSAL OF DISCIPLINARY CHARGES FILED AGAINST OFFICER RICKEY L. WILLIAMS, INGLESIDE (FILE NO. C00-351 SCM)

WHEREAS, the Office of Citizen Complaints requests that the disciplinary charges filed against Officer Rickey L. Williams, Star No. 167, Ingleside, be dismissed; therefore be it

RESOLVED, that the disciplinary charges filed against Officer Rickey L. Williams be dismissed and taken off calendar.

AYES: Commissioners Chan, Perry, Friday, Quaranta
ABSENT: Commissioner Makras

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL TO APPLY FOR RETROACTIVELY, ACCEPT, AND EXPEND FUNDS TO IMPLEMENT THE "INTERNET CRIMES AGAINST CHILDREN TASK FORCE PROGRAM - SAN FRANCISCO SATELLITE INITIATIVE"

Put over for next week.

PUBLIC COMMENTS

Martin Kazinski addressed the Commission regrading taxicab permits. Chief Lau informed Mr. Kazinski that he should give the information to the Police Commission secretary, Lt. Geeter, and he would forward the information to the proper unit.

Thereafter, the meeting was adjourned at 6:07 p.m.

_____
Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SIDNEY CHAN
PRESIDENT

CONNIE PERRY
Vice President

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

VICTOR MAKRAS
Commissioner

LT. EDWARD OERTEL
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING

Due to the events that transpired in New York City and Washington D.C., the Police Commission Regular Meeting scheduled on **Wednesday, September 12, 2001**, has been cancelled. The next Police Commission Regular Meeting will be on **Wednesday, September 19, 2001**, at 5:30 p.m., at the Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, Room 551

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

SIDNEY CHAN
PRESIDENT

CONNIE PERRY
Vice President

DENNIS HERRERA
Commissioner

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

LT. EDWARD GEETER
Secretary

REGULAR MEETING
WEDNESDAY, SEPTEMBER 12, 2001
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Announcements
   a. Motion of Calendaring of New Items
5. Chief's Announcements and Review of Recent Department Events
6. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
7. Request of the Chief of Police for Approval to Apply for Retroactively, Accept, and Expend Funds to Implement the "Internet Crimes Against Children Task Force Program - San Francisco Satellite Initiative"
8. Discussion and Action re: Revised General Order 2.01, "General Rules of Conduct"
9. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

CONSENT CALENDAR

1. Request of the Chief of Police to Accept Donation of $879.00 from Mr. Harry De Wildt for the San Francisco Police Department Gay Pride Day Contingent

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

*There will be Public Comments on any item before or during discussion of each item.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

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PUBLIC MEETING/HEARING
ACCESSIBILITY INFORMATION

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The proceeding will be held at 850 Bryant St. Room 551. The closest accessible BART station is at 5th and Market St. Accessible MUNI lines serving this location are 42 and 9X San Bruno Express.

For information about MUNI service call 923 6142.

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- For information about the meeting call 553 1667 Voice, or 553 9194 TDD.

San Francisco Police Department

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SIDNEY CHAN
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CONNIE PERRY
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WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

VICTOR MAKRAS
Commissioner

LT. EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, SEPTEMBER 19, 2001
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Announcements
   a. Motion of Calendaring of New Items
5. Chief's Announcements and Review of Recent Department Events
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   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

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San Francisco Police Department

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9/19/01

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Friday, Quaranta, Makras

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 62-01

APPROVAL TO ACCEPT DONATION OF $879.00 FROM MR. HARRY DE WILDT FOR THE SAN FRANCISCO POLICE DEPARTMENT GAY PRIDE DAY CONTINGENT

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donation of $879.00 from Mr. Harry De Wildt for the San Francisco Police Department Gay Pride Day Contingent.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

POLICE COMMISSION ANNOUNCEMENTS

a. **Motion of Calendaring of New Items**

Commissioner Chan asked for a moment of silence in respect for the victims and families of those injured, killed, or missing in the New York attack.

Commissioner Chan introduced newly appointed Commissioner Victor Makras. Commissioner Makras introduced himself and gave a brief description of his background.

Commissioner Chan presented a plaque to former Commissioner Dennis Herrera who resigned from the Commission last month in order to run for City Attorney. Commissioner Herrera stated that he appreciate the opportunity to serve on the Commission and that it was a pleasure to work with the good people of the Department.

Commissioner Chan announced that next week's meeting will be held in the Mission District at Mission Police Station, 630 Valencia Street.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau reported on the activities the Department was undertaking and planning in response to the terrorist attacks in New York and Washington.

Commander Bruce introduced Captain Tacchini of Tenderloin Station who presented Officers Gary Fisher and Joe Peachey the Officers of the Month award for the month of June.

Captain Yalon, Taraval, introduced Officer John Paige who was selected as Officer of the Month for the month of July.

Captain Parra, Southern, introduced Officer Bruce Lovell who was selected as Officer of the Month for the month of August.

Deputy Chief Pengel addressed the Commission on the issue of hate crimes in relation to Arab-Americans and the arrest of a suspect responsible for vandalizing the Muslim Center.

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OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Jean Field, for OCC Director Dunlap, advised the Commission that she and Chief Investigator Donna Medley will be temporarily sitting in for Director Mary Dunlap who is recovering from surgery.

RESOLUTION NO. 63-01

APPROVAL OF REQUEST OF THE CHIEF OF POLICE TO RETROACTIVELY APPLY FOR, ACCEPT, AND EXPEND FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE PROGRAMS TO IMPLEMENT THE "INTERNET CRIMES AGAINST CHILDREN TASK FORCE PROGRAM - SAN FRANCISCO SATELLITE INITIATIVE"

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to retroactively apply for, accept, and expend funds from the U.S. Department Justice Programs to implement the "Internet Crimes Against Children Task Force Program - San Francisco Satellite Initiative", including any augmentations, extensions, and modifications.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

RESOLUTION NO. 64-01

APPROVAL OF REVISED GENERAL ORDER 2.01, "GENERAL RULES OF CONDUCT"

RESOLVED, that the Police Commission hereby adopts revised General Order 2.01, "General Rules of Conduct."

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

PUBLIC COMMENTS

Genie Bowie addressed the Commission on elderly abuse at 462 Duboce. She stated she has called the police regarding the abuse but the officer took no action and refused to give his name and star number.

Thereafter, the meeting was adjourned at 6:45 p.m.

_____
Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

1273/rct

The Officers of Mission Station

Cordially invite you and your neighbors to attend the monthly meeting of

THE SAN FRANCISCO POLICE COMMISSION

Wednesday, September 26, 2001, AT 6:00 p.m.

Mission Police Station

630 Valencia Street

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For further information:

Mission Station, Officer Ray Austin, 558-5457

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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PRESIDENT

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WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

VICTOR MAKRAS
Commissioner

LT EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, SEPTEMBER 26, 2001
6:00 p.m.

MISSION DISTRICT
MISSION STATION COMMUNITY ROOM
630 Valencia Street
San Francisco

1. Pledge of Allegiance
2. Roll Call
3. Police Commission Announcements
   a. Motion of Calendaring of New Items
4. Chief's Announcements and Review of Recent Department Events
5. OCC Director's Report re: Staffing, Budget and Summary of Recent Events
6. Captain Ron Roth, Commanding Officer of Mission Station, to address the Commission on Police Activities in the Mission District
7. Public Comments
   (Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

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**There will be Public Comments on any item before or during discussion of each item.*

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PUBLIC MEETING/HEARING
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The proceeding will be held at Mission Police Station Community Room, 630 Valencia St.
The closest accessible BART 16th and Mission Station.
Accessible MUNI lines serving this location are 26 Valencia and 48 Mission

For information about MUNI service call 923 6142.

Accessible parking is available at the following location: Mission Station
630 Valencia Street

Accessible seating for persons with disabilities and wheelchairs will be available.

- For information about the meeting call 553-1667 Voice, or 553 9194 TDD.

San Francisco Police Department

SEPTEMBER 26, 2001 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in the Mission District at the Mission Police Station Community Room, 630 Valencia Street, San Francisco, at 6:15 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Friday, Quaranta, Makras (Commissioner Quaranta was present for roll call but had to leave before the start of the meeting.)

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Chan introduced the newest member of the Commission, Commissioner Victor Makras. Commissioner Chan also acknowledged that two from the District Attorney's Office were present, Mr. Paul Cummins and Mr. Jim Hammer.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau introduced himself and stated that some of his command staff was not present due to training classes. All commanders and captains are in attendance. The Chief also stated that in light of what happened in New York and Washington, the command staff has been going through training particularly regarding schools and school children. Chief Lau introduced his command staff. Present were Deputy Chiefs Pengel, Pisciotto, and Fong, Commanders Harper, Bruce, and Suhr.

Chief Lau mentioned an article in the Independent Newspaper stating that the police department was not doing anything to ready the department in case of terrorist attacks. Chief Lau stated that the department was in training with the District Attorney's office, Fire Department, and the Sheriffs Department in preparation of a terrorist attack.

Chief Lau asked the Commission to consider allowing the Department to present Medals of Valor awards to two officers whose award presentation was delayed due to legal issues.

City Attorney Margaret Baumgartner advised the Commission that under City Charger Rule 67.7e, the Commission can vote on an issue not listed on the agenda, but they would have to vote on the issue of rule 67.7e. The motion was second by Commissioner Friday. Motion passed 4-0.

The Commission discussed the issue of adding two officers, Officers Furminger and Sawyer, to the Awards Ceremony of 9/27/01. Motion by Commissioner Friday, second by Commissioner Perry. Passed 4-0.

OCC DIRECTOR'S REPORT RE: STAFFING, BUDGET, AND SUMMARY OF RECENT EVENTS

Donna Medley, for Director Dunlap, introduced herself and described the function of the OCC.

CAPTAIN RON ROTH, COMMANDING OFFICER OF MISSION STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE MISSION DISTRICT

Captain Roth addressed the Commission and the Community on activities in the Mission District. He also presented a certificate of appreciation to Ms. Kathy Sneed for her community leadership.

PUBLIC COMMENTS

Suzanne London, SAFE, presented a Certificate of appreciation to and introduced Gabe Morera who helped organize a soccer program in the Mission District.

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Gabe Morera stated that he appreciates the certificate and stated that there were officers involved in this program not just him.

Alexandra, Director of the Boys and Girls Club Columbia Park, presented a plaque of appreciation to Mission Station for community activities and for sending 10 local children to summer camp.

Unidentified complimented Captain Roth for a job well done. She also stated that 12 to 15 year old girls are being arrested for prostitution and asked that a task force be put together to track prostitutes in the area.

Rita Alavor, 24th Street resident, wanted to thank the Chief for his assistance in the Mission District.

Connie Webber commended Captain Roth and the officers of Mission Station for a job well done. She also addressed concerns regarding day laborers at Mission and Army Streets.

Patrick Baden, Castro Street Merchants Association, complimented Captain Roth for a job well done.

Thereafter, the meeting was adjourned at 7:10 p.m.

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Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

1273/rct

SEPTEMBER 19, 2001 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Friday, Quaranta, Makras

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 62-01

APPROVAL TO ACCEPT DONATION OF $879.00 FROM MR. HARRY DE WILDT FOR THE SAN FRANCISCO POLICE DEPARTMENT GAY PRIDE DAY CONTINGENT

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donation of $879.00 from Mr. Harry De Wildt for the San Francisco Police Department Gay Pride Day Contingent.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Chan asked for a moment of silence in respect for the victims and families of those injured, killed, or missing in the New York attack.

Commissioner Chan introduced newly appointed Commissioner Victor Makras. Commissioner Makras introduced himself and gave a brief description of his background.

Commissioner Chan presented a plaque to former Commissioner Dennis Herrera who resigned from the Commission last month in order to run for City Attorney. Commissioner Herrera stated that he appreciate the opportunity to serve on the Commission and that it was a pleasure to work with the good people of the Department.

Commissioner Chan announced that next week's meeting will be held in the Mission District at Mission Police Station, 630 Valencia Street.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau reported on the activities the Department was undertaking and planning in response to the terrorist attacks in New York and Washington.

Commander Bruce introduced Captain Tacchini of Tenderloin Station who presented Officers Gary Fisher and Joe Peachey the Officers of the Month award for the month of June.

Captain Yalon, Taraval, introduced Officer John Paige who was selected as Officer of the Month for the month of July.

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Deputy Chief Pengel addressed the Commission on the issue of hate crimes in relation to Arab-Americans and the arrest of a suspect responsible for vandalizing the Muslim Center.

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OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Jean Field, for OCC Director Dunlap, advised the Commission that she and Chief Investigator Donna Medley will be temporarily sitting in for Director Mary Dunlap who is recovering from surgery.

RESOLUTION NO. 63-01

APPROVAL OF REQUEST OF THE CHIEF OF POLICE TO RETROACTIVELY APPLY FOR, ACCEPT, AND EXPEND FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE PROGRAMS TO IMPLEMENT THE "INTERNET CRIMES AGAINST CHILDREN TASK FORCE PROGRAM - SAN FRANCISCO SATELLITE INITIATIVE"

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to retroactively apply for, accept, and expend funds from the U.S. Department Justice Programs to implement the "Internet Crimes Against Children Task Force Program - San Francisco Satellite Initiative", including any augmentations, extensions, and modifications.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

RESOLUTION NO. 64-01

APPROVAL OF REVISED GENERAL ORDER 2.01, "GENERAL RULES OF CONDUCT"

RESOLVED, that the Police Commission hereby adopts revised General Order 2.01, "General Rules of Conduct."

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

PUBLIC COMMENTS

Genie Bowie addressed the Commission on elderly abuse at 462 Duboce. She stated she has called the police regarding the abuse but the officer took no action and refused to give his name and star number.

Thereafter, the meeting was adjourned at 6:45 p.m.

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, OCTOBER 3, 2001
5:15 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Roll Call

2. Public Comments on all maters pertaining to the Closed Session

3. Vote on whether to hold Closed Session and/or assert Attorney/Client Privilege to confer with Legal Counsel. (San Francisco Administrative Code Section 67.11(a))

4. Closed Session held pursuant to Government Code 54956.9 and San Francisco Administrative Code Section 67.11(b)

   CONFERENCE WITH LEGAL COUNSEL - Existing Litigation
   a. Claude Reissner v. City & County of San Francisco, USDC No. C00-1739SBA

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, OCTOBER 3, 2001
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance
2. Roll Call
3. Discussion and Vote on whether to Disclose Discussion and Action taken in Closed Session
4. Approval of Consent Calendar
5. Police Commission Announcements
   a. Motion of Calendaring of New Items
6. Chief's Announcements and Review of Recent Department Events
7. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
8. Presentation of OCC's First Quarter 2001 Early Warning System Report
9. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

CONSENT CALENDAR

1. Recommendation of the City Attorney for settlement of the following claim:
   a. Claude Reissner v. City & County of San Francisco, USDC No. C00-1739SBA

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- For information about the meeting call 553 1667 Voice, or 553 9194 TDD.

San Francisco Police Department

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING

There will be no Police Commission meeting on Wednesday, October 10, 2001. The next Police Commission Regular Meeting will be on **Wednesday, October 17, 2001**, at 5:30 p.m., at the Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, Room 551

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, OCTOBER 17, 2001
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance
2. Roll Call
3. Police Commission Announcements
   a. Motion of Calendaring of New Items
4. Chief's Announcements and Review of Recent Department Events
5. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
6. Presentation of OCC Statistical Report for January, February, March, First Quarter 2001
7. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

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PUBLIC MEETING/HEARING
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San Francisco Police Department

OCTOBER 17, 2001 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Friday, Quaranta, Makras

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Chan announced that the next Commission meeting will be October 24th and will be held in the Central Police District at Jean Parker Elementary School, 840 Broadway Street. Commissioner Chan also stated that he will not be in attendance at the October 24th meeting and that Vice President Perry will chair the meeting.

Commissioners Chan and Perry asked the Chief if the Commission meeting scheduled for October 31st, Halloween, would interfere with any planed activities. The Chief stated that all planned activities would take place after 2100 hours and would not impact the Commission meeting.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau addressed the Commission and stated the Department has responded to numerous incidents in the past 2 weeks regarding health and anthrax calls and the response has been coordinated with the fire department, health department, etc. The Chief also stated that training on how to respond to such incidents has been ongoing this year and that he is please with how things are progressing.

The Chief further stated that the department has been in meetings with the Board of Supervisors regarding additional funds if needed.

Assistant Chief Sanders advised the Commission that the Police Department, Health Department and Fire Department have participated in exercises on how to respond to and handle incidents of mass destruction.

Deputy Chief Bruce stated that things are under control at the airport.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

and

PRESENTATION OF OCC STATISTICAL REPORT FOR JANUARY, FEBRUARY, MARCH, FIRST QUARTER 2001

Jean Field, for Director Mary Dunlap, presented reports. She stated that reported cases of OCC complaints are down from the last quarter report and that the cases filed with MCD has been acted on extremely well.

PUBLIC COMMENTS

Ms. L. Marin, Family Violence Prevention Organization, addressed the Commission regarding the department's Domestic Violence Unit and requested that recruits and officers be trained by the Domestic Violence Advocate Organization each year; that the Domestic Violence Unit be fully staffed; that a system be implemented where all justice departments be able to share information; that the department track the number of 911 calls regarding domestic violence, and that the procedures be updated to insure that minors, either victims or witnesses, are taken cared and protected.

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Thereafter, the meeting was adjourned at 6:00 p.m.

_____
Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

1273/rct

The Officers of Central Station,

Invite you and your neighbors to attend a meeting of,

THE SAN FRANCISCO POLICE COMMISSION

6:00PM
Wednesday October 24, 2001

Jean Parker Elementary School
840 Broadway Street

For further information please call,

Officer Phillip Welsh 315-2424.

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, OCTOBER 24, 2001
6:00 p.m.

CENTRAL DISTRICT
JEAN PARKER ELEMENTARY SCHOOL
840 Broadway Street
San Francisco

1. Pledge of Allegiance
2. Roll Call
3. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer James T. Pandolfi, Mission (File No. C01-366 JWA)
4. Police Commission Announcements
   a. Motion of Calendaring of New Items
5. Chief's Announcements and Review of Recent Department Events
6. OCC Director's Report re: Staffing, Budget and Summary of Recent Events
7. Captain Kevin Dillon, Commanding Officer of Central Station, to address the Commission on Police Activities in the Central District
8. Public Comments
   (Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

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**There will be Public Comments on any item before or during discussion of each item.*

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PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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The proceeding will be held at Jean Parker Elementary School, 840 Broadway, San Francisco.
The closest accessible BART _____.
Accessible MUNI lines serving this location are #12 Muni and #83 Pacific #30X (not accessible)

For information about MUNI service call 923 6142.

Accessible parking is available at the following location: _____

Accessible seating for persons with disabilities and wheelchairs will be available.

- For information about the meeting call 553-1667 Voice, or 553 9194 TDD.

San Francisco Police Department

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10/24/01

The Police Commission of the City and County of San Francisco met in the Central District at the Jean Parker Elementary School, 840 Broadway Street, San Francisco, at 6:05 p.m., in a Regular Meeting.

PRESENT: Commissioners Perry, Quaranta, Makras
ABSENT: Commissioners Chan, Friday

RESOLUTION NO. 66-01

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER JAMES T. PANDOLFI, MISSION (FILE NO. C01-366 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in disciplinary charges filed against Officer James T. Pandolfi, Star No. 699, Mission, was called it having been set for this date; and

WHEREAS, Commissioner Sidney Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer James T. Pandolfi; therefore be it

RESOLVED, that Commissioner Sidney Chan is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer James T. Pandolfi, and is to be set at a later date.

AYES: Commissioners Perry, Quaranta, Makras
ABSENT: Commissioner Chan, Friday

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Perry introduced herself and announced that Commissioner Chan could not make it to tonight's meeting.

Commissioner Quaranta introduced himself and stated that the Central District is the district where he lives.

Commissioner Makras introduced himself.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau introduced the command staff and deferred to Captain Dillon, Central Station.

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OCC DIRECTOR'S REPORT RE: STAFFING, BUDGET, AND SUMMARY OF RECENT EVENTS

Ms. Sherry Tony, for Director Dunlap, introduced herself and briefly described functions and duties of the OCC.

CAPTAIN KEVIN DILLON, COMMANDING OFFICER OF CENTRAL STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE CENTRAL DISTRICT

Captain Dillon introduced Commander Greg Suhr who presented Chief's certificates to two officers chosen as officers of the month, Officers Fritz Wong and Leon Sorhondo. Captain Dillon presented a Chief's certificate to Reserve Officer Ray Durr for his work within the district. Captain Dillon then briefed the Commission on activities in the district.

Supervisor Peskin addressed the Commission regarding the good working relationship his office and the officers of Central have developed under the leadership of Captain Dillon.

PUBLIC COMMENTS

Unidentified discussed concerns regarding the police and their lack of concern when he was assaulted.

Lyn Magellan, Director of the Union Square Association, discussed the state of construction of Union Square and commended Captain Dillon and officers of Central Station for a job well done.

Al Vacaro, Fisherman's Wharf Association, thanked the Chief and Captain Dillon for a job well done.

Jerry Crowley, President of Telegraph Hill Association, commended Captain Dillon and officers of Central Station for a job well done.

Megan wanted to thank Captain Dillon and the officers of Central for their good work. She also asked that next district meeting be made more public.

Mike Poluzny discussed concerns regarding the illegal sexual activities that occurs within the Mitchell Brothers and demanded that the police take some action to stop it.

Thereafter, the meeting was adjourned at 7:20 p.m.

_____

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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SF
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#1
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5:15 p.m
5:30 p.m.
c.2

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, OCTOBER 31, 2001
5:15 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Roll Call
2. Public Comments on all maters pertaining to the Closed Session
3. Vote on whether to hold Closed Session and/or assert Attorney/Client Privilege to confer with Legal Counsel. (San Francisco Administrative Code Section 67.11(a))
4. Closed Session held pursuant to Government Code 54956.9 and San Francisco Administrative Code Section 67.11(b)

   CONFERENCE WITH LEGAL COUNSEL - Existing Litigation
   a. Teddy Querubin v. CCSF, USDC No. CV-98-04414-JL

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, OCTOBER 31, 2001
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance
2. Roll Call
3. Discussion and Vote on whether to Disclose Discussion and Action taken in Closed Session
4. Approval of Consent Calendar
5. Police Commission Announcements
   a. Motion of Calendaring of New Items
6. Chief's Announcements and Review of Recent Department Events
7. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
8. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)
9. Hearing, Discussion, and Possible Disposition on the Appeal of the Chief's Suspension of Officer Peter D'Amato, Tenderloin (File No. D00-107 JWA)
10. Hearing and Disposition on Disciplinary Charges filed against Officer Stevie R. Bacolot, Southern (File No. C00-244 JWF)

CONSENT CALENDAR

1. Recommendation of the City Attorney for settlement of the following claim:
   a. Teddy Querubin v. CCSF, USDC No. CV-98-04414-JL

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San Francisco Police Department

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10/31/01

OCTOBER 31, 2001 **CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:15 p.m., in Closed Session.

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation
a. Teddy Querubin v. CCSF, USDC No. CV-98-04414-JL

PRESENT: Commissioners Chan, Quaranta, Makras

OCTOBER 31, 2001 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Friday, Quaranta, Makras

DISCUSSION AND VOTE ON WHETHER TO DISCLOSE DISCUSSION AND ACTION TAKEN IN CLOSED SESSION

Motion not to disclose discussion and action taken in Closed Session. Motion by Commission Perry, Second by Commission Quaranta. Approved 5-0.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 67-01

TEDDY QUERUBIN v. CCSF, USDC NO. CV-98-04414-JL

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Teddy Querubin v. CCSF" USDC Case No. CV-98-04414-JL, be, and the same is hereby approved.

Date of Incident: May 24, 1997

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau briefed the Commission on the state of the Department as it relates to terrorism. Chief Lau talked about a recent article stating that the department was not ready to handle terrorist situations. The Chief stated that the article was completely false, that the Department is well-trained and can handle most any incidents.

Lieutenant Tabak, Special Investigations Division, informed the Commission that the Department is briefed every morning by the FBI as to the state of the nation's investigation. Lt. Tabak stated his unit is the liaison between all federal agencies.

Commissioner Quaranta asked the Chief if any special patrol was put into action tonight because of it being Halloween. The Chief stated that the department is a model of what a department should be as reported by Nancy Pelosi to the President of the United States.

Commissioner Chan asked Deputy Chief Bruce regarding the National Guard at the Airport, who do they report to. D/C Bruce stated that the National Guard reports to their command staff. In a situation where there is a law enforcement situation, the police department takes the lead.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

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Jean Field, for Director Dunlap, stated that things were going well and that the OCC have attended the city training on mail handling.

PUBLIC COMMENTS

None

HEARING ON THE APPEAL OF THE CHIEF'S SUSPENSION IMPOSED ON OFFICER PETER D'AMATO, TENDERLOIN (FILE NO. D00-107 JWA)

The hearing on the appeal of the Chief's Suspension imposed on Officer Peter D'Amato, Tenderloin, was called it having been set for this date.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Peter D'Amato, Star No. 1662, appeared in person and was represented by Mr. Steve Johnson, POA.

Closing statements were made by Mr. Jerry W. Akins and Mr. Steve Johnson.

The Commission took the matter under submission, recessed, returned, and the following resolution was adopted:

RESOLUTION NO. 68-01

DECISION - HEARING ON THE APPEAL OF THE CHIEF'S SUSPENSION IMPOSED ON OFFICER PETER D'AMATO, TENDERLOIN (FILE NO. D00-107 JWA)

WHEREAS, a hearing on said appeal was held on Monday, August 20, 2001, pursuant to Section 8.343 of the Charter of the City and County of San Francisco and on Wednesday, October 31, 2001, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the Chief's suspension imposed on Officer Peter D'Amato, Tenderloin, was sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that it is the findings and decision of the Commission that the Chief's suspension of ten (10) days imposed on Officer Peter D'Amato be, and the same is hereby sustained.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

HEARING AND DISPOSITION ON DISCIPLINARY CHARGES FILED AGAINST OFFICER STEVIE R. BACOLOT, SOUTHERN (FILE NO. C00-244 JWF)

Put over for next week, November 7th.

Thereafter, the meeting was adjourned at 6:45 p.m.

_____

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, NOVEMBER 7, 2001
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance
2. Roll Call
3. Police Commission Announcements
   a. Motion of Calendaring of New Items
4. Chief's Announcements and Review of Recent Department Events
5. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
6. Discussion and Action re: Withdrawal of Disciplinary Charges for Resolution by the Chief of Police in the matter of Officer Nancie Guillory, Mission (File No. SCM C00-264)
7. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)
8. Hearing and Disposition on Disciplinary Charges filed against Officer Stevie R. Bacolot, Southern (File No. C00-244 JWF)
9. Hearing and Disposition on Disciplinary Charges filed against Officer Patrick Tobin, Central (File No. SCM C00-263)

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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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A **sound enhancement system** will be available on request at the proceeding.

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The proceeding will be held at the Hall of Justice, 850 Bryant Street, 5th floor Police Commission Hearing Room. The closest accessible BART station is 5th and Mission Streets. Accessible MUNI lines serving this location are 42 and 9X San Bruno Express.

For information about MUNI service call 923 6142

Accessible parking is available in front of the Hall of Justice, 850 Bryant Street.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting call 553 1667(v) or 553 9194 (tty)

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NOVEMBER 7, 2001 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:35 p.m.

PRESENT: Commissioners Chan, Perry, Friday, Quaranta, Makras

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Chan announced no meeting on November 21st. Next meeting will be on November 28th at the Taraval Police Station.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau introduced Sergeant Mike Flynn who presented four Chief's Citizen Commendation to volunteers who worked during the San Francisco Grand Prix Bike Race; Mr. Kenton Hoffer, Mr. David Scardina, Mr. Robert Bossord, and Mr. Bondy Chan.

Chief Lau also announced the retirement of Deputy Chief Gary Pisciotto, Airport Bureau, and stated that this would be Deputy Chief Pisciotto's last Commission meeting. Chief Lau asked that the meeting be adjourned in Deputy Chief's Pisciotto's honor.

Deputy Chief Pisciotto addressed the Commission and stated he enjoyed his stay in the Police Department and enjoyed working with the Commission.

Commissioner Quaranta stated that he had seen Chief Lau on a TV talk show and stated that the Chief did na excellent job in explaining what the Police Department was planning and doing during the terrorism crisis.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Ms. Jean Field, Acting OCC Director, stated that things are going well at the OCC and that she would be glad to answer any questions.

DISCUSSION AND ACTION RE: WITHDRAWAL OF DISCIPLINARY CHARGES FOR RESOLUTION BY THE CHIEF OF POLICE IN THE MATTER OF OFFICER NANCIE GUILLORY, MISSION (FILE NO. SCM C00-264)

MCD Attorney Jerry W. Akins addressed the Commission and asked that the charges against Officer Nancie Guillory be remanded back to the Chief's office for resolution because this was a companion case with Item #9. A motion was made by Commissioner Perry and second by Commissioner Makras to send this case back to the Chief's office. Motion passed 5-0.

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RESOLUTION NO. 69-01

WITHDRAWAL OF DISCIPLINARY CHARGES FILED AGAINST OFFICER NANCIE GUILLORY, MISSION (FILE NO. SCM C00-264)

WHEREAS, Chief of Police Fred H. Lau requests that the disciplinary charges filed against Officer Nancie Guillory, Star No. 1806, be withdrawn and that it will be handled administratively; therefore be it

RESOLVED, that the disciplinary charges filed against Officer Nancie Guillory be withdrawn and taken off calendar.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

PUBLIC COMMENTS

None

HEARING OF OFFICER STEVIE R. BACOLOT, SOUTHERN, (FILE NO. C00-244 JWF)

The hearing of Police Officer Stevie R. Bacolot, Star No. 1077, Southern, was called it having been set for this date. Officer Bacolot was charged, in a properly verified complaint by Fred H. Lau, Chief of Police of San Francisco Police Department, with violating the Rules and Procedures as follows:

AMENDED

SPECIFICATION NO. 1

Neglect of Duty (failing to document force used on a civilian, in violation of Department General Order 5.01)

Ms. Jean Field, Attorney at Law, appeared on behalf of the San Francisco Police Department and the Office of Citizen Complaints.

Officer Stevie R. Bacolot appeared in person and was represented by Ms. Katherine Mahoney, Attorney at Law.

Ms. Field entered a motion to amend disciplinary charges filed against Officer Bacolot.

Ms. Katherine Mahoney entered a plea of no contest on the amended charges on behalf of Officer Bacolot.

The Police Commission unanimously approved the department's motion to amend the charges and accepted the plea of Officer Bacolot.

Based on these findings, the Commission requested a recommendation from Chief of Police Fred H. Lau.

It is the recommendation of Chief of Police Fred H. Lau that Officer Stevie R. Bacolot be suspended for thirty (30) days with fifteen (15) days imposed forthwith and fifteen (15) days held in abeyance for two years on condition of not receiving any sustained complaints of misconduct for the two years.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 70-01

DECISION - HEARING OF OFFICER STEVIE R. BACOLOT, SOUTHERN (FILE NO. C00-244 JWF)

WHEREAS, on November 1, 2001, Fred H. Lau, Chief of Police of the San Francisco Police Department, made and served amended charges against Officer Stevie R. Bacolot, as follows:

Amended Charges
SPECIFICATION NO. 1:

Neglect of Duty (failing to document force used on a civilian, in violation of Department General Order 5.01);

(1) At all times herein mentioned, Stevie R. Bacolot, Star Number 1077, (hereinafter referred to as "the accused") was a police officer employed by the San Francisco Police Department;

(2) As a police officer, the Accused Officer was and is responsible for knowing and obeying the rules, orders, and procedures of the San Francisco Police Department;

(3) On or around October 24, 1997, at 2:30 a.m., the Accused Officer engaged in a vehicle pursuit of an individual who had failed to yield to an attempted traffic stop. That individual (hereinafter referred to as "the victim") lost control of his vehicle and crashed into a small tree on Van Ness Avenue. After hitting the tree, the victim got out of his vehicle and attempted to leave the scene;

(4) The Accused Officer ordered him to stop. In response to the Accused Officer's commands, the victim stopped and put his hands in the air;

(5) The victim was forced to the ground, and the Accused Officer punched the victim one or more times;

(6) Another officer (hereinafter referred to as Officer No. 2) arrived as the Accused Officer was on the victim's back, handcuffing the victim. Officer No. 2 kicked the victim on or near the head;

(7) Officer No. 2 then placed his knee on the victim's back, and the Accused Officer and Officer No. 2 each punched the victim one to four times;

(8) A civilian witness observed the above-described use of force, and stated that the victim submitted tot he officers' authority and did not resist the officers;

(9) The Accused Officer denied striking the victim. The Accused Officer stated that he and Officer nO. 2 used physical control to put the victim on the ground and to pull the victim's hands behind him for handcuffing;

(10) The Accused Officer stated that the victim complained of pain at the scene. An ambulance was summoned and transported the victim to the hospital;

(11) The Accused Officer used or observed force used on the victim that included the use of physical control and punches. The Accused Officer wrote an incident report about the incident, but failed to document the force used on the victim. The Accused Officer also failed to report the use of force. Such conduct violates San Francisco Police Department General Order No. 5.01, which states, in part:

"N. REPORTING AND INVESTIGATING THE USE OF FORCE

(1) TYPES OF INCIDENT REQUIRING REPORTING. Officers must report the use of the following types of force:

(1) Physical control, when the person is injured or claims to be injured.
(2) Liquid chemical agent, when sprayed on or at the person.
(3) Department-issued baton, when the person is struck or jabbed.
(4) When the officer finds it necessary to strike suspect with his/her fist, a flashlight, or any other object.

...

2. NOTIFICATION /INCIDENT REPORT. In all cases in which an officer is required to report the use of force, the officer using the

force shall immediately notify his/her supervisor, and:

- When the officer using the force is also the reporting officer, prepare an incident report containing the following information:

  (1) The type of force sued (e.g., carotid restraint, struck with fist).
  (2) Reason for the use of force (e.g., subject resisted arrest).
  (3) The supervisor's name, rank, star number, and time notified. If applicable, the supervisor's reason for not responding to the scene shall also be included.

- In the event that the officer using force is not the officer preparing the incident report, the officer using the force shall:

  (1) Ensure that he/she is clearly identified in the incident report.
  (2) Ensure that the incident report includes:

  - The type of force used (e.g., carotid restraint, struck with fist).
  - Reason for the use of force (e.g., subject resisted arrest).
  - The supervisor's name, rank, star number, and time notified.

  (3) Or prepare a supplemental report or a statement form with the above information.

(12) The Accused Officer's actions, as delineated above, brought discredit upon the Accused Officer and the San Francisco Police Department. Such conduct, which any reasonable police officer must know, violates the standards of the Department and is cause for discipline or dismissal from employment, violated Department General Order 2.01 of the San Francisco Police Department. Rule 9 of Department General Order 2.01 states:

"MISCONDUCT. Any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the State that tends to subvert the order, efficiency, or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Appendix A. Section A 8.343 of the Charter of the City and County of San Francisco on November 7, 2001 where the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Stevie Bacolot's admission, the Commission finds the allegations contained in Specification No. 1 of the amended charges as preferred by Chief of Police Fred H. Lau against Officer Bacolot is sustained; and the Commission adopts the sustained specification as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety, and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1 Sustained

That Officer Stevie R. Bacolot be suspended for thirty (30) days with fifteen (15) days imposed forthwith and fifteen (15) days held in abeyance for two years on condition of not receiving any sustained complaints of misconduct for the two years.

That said fifteen (15) days suspension shall commence on Saturday, November 10, 2001, at 0001 hours, and terminate on Saturday, November 24, 2001, at 2400 hours.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time and within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

HEARING OF OFFICER PATRICK M. TOBIN, CENTRAL (FILE NO. C00-263 SCM)

The hearing of Police Officer Patrick M. Tobin, Star No. 938, Central, was called it having been set for this date. Officer Tobin was charged, in a properly verified complaint by Fred H. Lau, Chief of Police of San Francisco Police Department, with violating the Rules and Procedures as follows:

AMENDED

SPECIFICATION NO. 1

Use of Force (Kicking and/or kneeing a civilian without legal justification, in violation of Department General Order 5.01);

SPECIFICATION NO. 2

Neglect of Duty (Failure to follow proper procedures for juvenile detainees, in violation of General Orders 7.01, 1.03, and 2.01);

Ms. Jean Field, Attorney at Law, appeared on behalf of the San Francisco Police Department and the Office of Citizen Complaints.

Officer Patrick M. Tobin appeared in person and was represented by Ms. Katherine Mahoney, Attorney at Law.

Ms. Field entered a motion to amend disciplinary charges filed against Officer Tobin.

Ms. Katherine Mahoney entered a plea of no contest on the amended charges on behalf of Officer Tobin.

The Police Commission unanimously approved the department's motion to amend the charges and accepted the plea of Officer Tobin.

Based on these findings, the Commission requested a recommendation from Chief of Police Fred H. Lau.

It is the recommendation of Chief of Police Fred H. Lau that Officer Patrick M. Tobin be suspended for thirty (30) days on each count with fifteen (15) days imposed on each count forthwith and fifteen (15) days on each count held in abeyance for two years on condition of not receiving any sustained complaints of misconduct for the two years.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 71-01

DECISION - HEARING OF OFFICER PATRICK M. TOBIN, CENTRAL (FILE NO. C00-263 SCM)

WHEREAS, on October 25, 2001, Fred H. Lau, Chief of Police of the San Francisco Police Department, made and served amended charges against Officer Patrick M. Tobin, as follows:

Amended Charges
SPECIFICATION NO. 1:

Neglect of Duty (failing to document force used on a civilian, in violation of Department General Order 5.01);

(1) At all times herein mentioned, Patrick M. Tobin, Star Number 938, (hereinafter referred to as "the accused") was a police officer employed by the San Francisco Police Department;

(2) As a police officer, the Accused Officer was and is responsible for knowing and obeying the rules, orders, and procedures of the San Francisco Police Department;

(3) On or around January 16, 1997, at approximately 6:30 p.m., the Accused officer and his partner observed some juveniles sitting on a bench in the area of 20th and Treat Streets. Signs were posted in the area saying "No trespassing after the school is closed." The Accused Officer and his partner approached the juveniles, searched them, and ordered them to leave the area. The juveniles complied with the officers' orders;

(4) Prior to releasing one of the juveniles (hereinafter referred to as "Victim #1"), the Accused Officer kicked and/or kneed Victim #1 in his groin area. When Victim #1 doubled over in pain, the Accused Officer kicked and/or kneed Victim #1 on or about the face or head;

(5) Civilian witnesses observed the Accused Officer kick and/or knee Victim #1 in the groin area and on or about the face or head;

(6) The Accused Officer denied kicking and/or kneeing Victim #1. The Accused Officer's partner denied that he kicked or kneed Victim #1;

(7) By kicking and/or kneeing the victim without justification, the Accused Officer violated General Order 5.01, which states, in part:

"I. POLICY

A. It is the policy of the San Francisco Police Department to accomplish the police mission as effectively as possible with the highest regard for the dignity of all persons and with minimal reliance upon the use of physical force. The use of physical force shall be restricted to circumstances authorized by law and to the degree minimally necessary to accomplish a lawful police task.

B. Officers are frequently confronted with situations where control must be exercised to effect arrests and to protect the public safety. Control may be achieved through advice, warnings, and persuasion, or by the use of physical force. While the use of reasonable physical force may be necessary in situations that cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or wold clearly be ineffective under the particular circumstances.

. . .

M. UNNECESSARY FORCE (DEFINED)

1. Unnecessary force occurs when it is apparent that the type or degree of force employed was neither necessary nor appropriate. When any degree of force is utilized as summary punishment or for vengeance, it is clearly improper and unlawful."

SPECIFICATION NO 2:
Neglect of Duty (Failure to follow proper procedures for juvenile detainees, in violation of General Orders 7.01, 1.03, and 2.01);

(8) Paragraphs (1) through (7) of Charge No. 1 are incorporated in this paragraph by reference and realleged as though set forth in full;

(9) On or around January 18, 1997 before 9:30 p.m., the Accused Officer and his partner observed Victim #1 (as identified in Paragraph (4) during the January 16, 1997 incident) and another juvenile (herein referred to as Victim #2) holding a brown paper bag to their mouths as they stood on the corner of 19th and Capp Street. The Accused Officer and his partner approached them and picked up the paper bag they had dropped. The paper bag smelled of automotive octane booster. The Accused Officer and his partner told Victim #1 and Victim #2 to get into the police car;

(10) According to Victim #1 and Victim #2, the Accused Officer and his partner told them they were going to the police station. However, the Accused Officer and his partner drove them to the area of 24th and Alabama Streets;

(11) The area of 24th and Alabama Streets is commonly known as "Nortenos" territory because of the "Nortenos" gang are known to congregate there. Members of the "Nortenos" gang typically identify with the color "red" and typically demonstrate their membership in the gang by wearing apparel that includes the color red;

(12) Members of the "Surenos" gang are known to be enemies of the "Nortenos." Members of the "Surenos" gang typically identify with the color "blue" and typically indicate their membership in the gang by wearing apparel that includes the color blue;

(13) At the time the Accused Officer and his partner took Victim #1 and Victim #2 to the intersection of 24th and Alabama Streets, Victim #1 was wearing a blue sweater, the color associated with the rival gang, the"Surenos." The Accused Officer and his partner dropped Victim #1 and Victim #2 off at the intersection of 24th and Alabama Streets. The Accused Officer and his partner then left the intersection, driving around the block. As Victim #1 and Victim #2 attempted to run from Norteno gang members, Victim #1 fell, and Norteno gang members attacked and stabbed him with a screwdriver;

(14) As the Accused Officer and his partner drove eastbound on Harrison, they observed Victim #1 lying injured in the intersection at 23rd and Alabama with three individuals standing over him. The Accused Officer's partner chased the assailants but lost them in the area of 24th and Alabama.

(15) The Accused Officer called for an ambulance and Victim #1 was taken to the hospital and treated for his injuries;

(16) The Accused Officer stated that he and his partner asked Victim #1 and Victim #2 where they lived and that they dropped them off at 24th and Alabama after Victim #1 asked to be let out. The Accused Officer acknowledged that he dropped Victim #1 and Victim #2 in "red" territory. The Accused Officer also stated that it is not uncommon for a "Blue" to live in a "Red" neighborhood and vice versa.

(17) The Accused Officer has gang-related training, relevant to the Nortenos-Surenos rivalry;

(18) The Accused Officer failed to follow established procedures for handling the temporary custody of juveniles. Department General Order 7.01, Section I(D) provides, in pertinent part:

"601 & 602 W & I CODE OPTIONS. When taking a juvenile into temporary custody for violating Sections 601 or 602 W & I Code, an officer shall have the following options:

(1) ADMONISHMENT: If circumstances do not warrant diverting, citing, or booking, the juvenile may be admonished at the scene or in the presence of a parent or guardian. Juveniles should only be admonished when they have no prior police contacts and their involvement in the crime is minimal. When admonishing a juvenile, complete a Field Interview. (SFPD 297).

(2) DIVERSION. When admonishment is insufficient, but circumstances do not warrant citing or booking, the officer may divert the juvenile.

(3) CITATIONS. Juveniles may be cited for felonies under Section 602, Welfare and Institutions Code (see DGO 5.06, Citation Release). Whenever possible, officers should cite juveniles and release them to their parent, guardian, or responsible relative. When a violation should be brought to the attention of the Juvenile Court, but booking the juvenile is not necessary, the juvenile shall be cited.

(4) BOOKING. If admonishing, diverting, or citing is not satisfactory, the juvenile shall be booked. A juvenile shall be booked when any of the following conditions exist:

The gravity of the offense is such that release of the juvenile will prove dangerous to the public welfare.

The juvenile is arrested pursuant to a warrant.

The juvenile is in possession of a firearm."

(19) The Accused Officer, by kicking and/or kneeing Victim #1 with out legal justification and failing to follow proper procedures for juvenile detainees, has engage din conduct that any reasonable police officer would know would be cause for discipline, and has engaged in conduct that violated Department General Order 2.01, Rule 9, which states:

"MISCONDUCT. Any breach of peace, neglect of duty, misconduct, or any conduct by an officer either within or without the State that tends to subvert the order, efficiency, or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency an discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Appendix A. Section A 8.343 of the Charter of the City and County of San Francisco on November 7, 2001 where the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Patrick Tobin's admission, the Commission finds the allegations contained in Specifications No. 1 and No. 2 of the amended charges as preferred by Chief of Police Fred H. Lau against Officer Tobin are sustained; and the Commission adopts the sustained specifications as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety, and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1 Sustained

SPECIFICATION NO. 2 Sustained

That Officer Patrick M. Tobin be suspended for thirty (30) days on each count with fifteen (15) days imposed on each count forthwith and fifteen (15) days on each count held in abeyance for two years on condition of not receiving any sustained complaints of misconduct for the two years.

That said total thirty (30) days suspension shall commence on Saturday, November 10, 2001, at 0001 hours, and terminate on Sunday, December 9, 2001, at 2400 hours.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time and within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

Thereafter, the meeting was adjourned at 5:55 p.m. in honor of Deputy Chief Gary Pisciotto.

_____

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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Vice President

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

VICTOR MAKRAS
Commissioner

LT EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, NOVEMBER 14, 2001
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance
2. Roll Call
3. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer Eric P. Caracciolo, Support Services (File No. C01-034 JWA)
4. Police Commission Announcements
   a. Motion of Calendaring of New Items
5. Chief's Announcements and Review of Recent Department Events
6. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
7. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

*There will be Public Comments on any item before or during discussion of each item.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163; E-MAIL: Donna.Hall@ci.sf.ca.us. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language Interpreters or computer aided real time captioning will be made available upon advance request. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406(tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in **alternate formats** (computer disk, cassette tape, large print or Braille) upon advance request at least 72 hours at least 72 hours prior to a proceeding. Please call Sergeant Michael Sullivan, at 553 1343 (v) or 558 2406 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553 1343 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at the Hall of Justice, 850 Bryant Street, 5th floor Police Commission Hearing Room. The closest accessible BART station is 5th and Mission Streets. Accessible MUNI lines serving this location are 42 and 9X San Bruno Express.

For information about MUNI service call 923 6142

Accessible parking is available in front of the Hall of Justice, 850 Bryant Street.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting call 553 1667(v) or 553 9194 (tty)

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NOVEMBER 14, 2001 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Friday, Makras
ABSENT: Commissioner Quaranta

RESOLUTION NO. 72-01

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER ERIC P. CARACCIOLO, SUPPORT SERVICES (FILE NO. C01-034 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in disciplinary charges filed against Officer Eric P. Caracciolo, Star No. 832, Support Services, was called it having been set for this date; and

WHEREAS, Commissioner Wayne Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Eric P. Caracciolo; therefore be it

RESOLVED, that Commissioner Wayne Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Eric P. Caracciolo, and is to be set at a later date.

AYES: Commissioners Chan, Perry, Friday, Makras
ABSENT: Commissioner Quaranta

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Chan announced that there will be no Police Commission meeting next week, November 21st. Next meeting will be on November 28th at Taraval Police Station.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau informed the Commission that the Department has been involved in a joint investigation with the DEA on a heroin investigation.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Ms. Jean Field, OCC Acting Director, informed the Commission that the OCC and the Department are working well together in officer-involved shootings.

PUBLIC COMMENTS

None

Thereafter, the meeting was adjourned at 5:50 p.m.

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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Vice President

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

VICTOR MAKRAS
Commissioner

LT EDWARD CERVERA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING

There will be no Police Commission meeting on Wednesday, November 21, 2001. The next Police Commission Regular Meeting will be on **Wednesday, November 28, 2001**, at 6:00 p.m., in the Taraval District, to be held at the Taraval Station Community Room, 2345 24th Avenue, San Francisco.

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THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

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The Officers of
Taraval Station invite you
to attend a special
meeting of the

SAN FRANCISCO POLICE COMMISSION

6:00 PM
Wednesday November 28, 2001
at the
Taraval Station Community Room
2345 24th Ave, SF

This is your chance to address the Commissioners personally about neighborhood needs and public safety problems.

For further information, contact:
Officer Thomas Taylor or Sergeant Rick Galande
at 553-1612

Handicapped parking available on 24th Ave in front of the station.
General parking on Santiago between 24th and 22nd Avenues.

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SIDNEY CHAN
PRESIDENT

CONNIE PERRY
Vice President

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

VICTOR MAKRAS
Commissioner

LT EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, NOVEMBER 28, 2001
6:00 p.m.

TARAVAL DISTRICT
TARAVAL STATION COMMUNITY ROOM
2345 24TH Avenue
San Francisco

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1. Pledge of Allegiance
2. Roll Call
3. Police Commission Announcements
   a. Motion of Calendaring of New Items
4. Chief's Announcements and Review of Recent Department Events
5. OCC Director's Report re: Staffing, Budget and Summary of Recent Events
6. Captain Michael Yalon, Commanding Officer of Taraval Station, to address the Commission on Police Activities in the Taraval District
7. Public Comments
   (Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

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**There will be Public Comments an any item before ar during discussion af each item.*

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

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Commissions, boords, councils and other agencies of the City and County exist ta conduct the people's business. This ardinance assures that deliberations are conducted before the people and that City aperatians are open to the people's review.

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SAN FRANCISCO POLICE
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The proceeding will be held at: Taraval Police Station Community Room, 2345 24th Ave.

Accessible MUNI lines serving this location is: "L" Street Car Line; Wayside Platform
For information about MUNI service call 923 6142

The closest BART Station is: n/a

Accessible parking 2345 24th Avenue; Free parking on Santiago along McCoppin Square

For information about the meeting call 553-1667 **(v) or** 553-9194 **(tty)**

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NOVEMBER 28, 2001 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in the Taraval District at the Taraval Police Station Community Room, 2345 24th Avenue, San Francisco, at 6:09 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Quaranta, Makras
ABSENT: Commissioner Friday

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Chan introduced himself. Commissioners Perry, Quaranta and Makras introduced themselves.

Commissioner Chan asked the Commissioners for a vote of approval to hear disciplinary charges filed against Sgt. Andrew Blackwell on Friday, November 30th at 5 p.m. After advisement from City Attorney Margaret Baumgartner, the Commission set the hearing date for December 7th at 9:00 a.m.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau addressed the citizens and the Commission and congratulated Captain Yalon for doing a very good job at Taraval and that he was being reassigned to the motorcycle Traffic Unit. Chief Lau introduced the Command Staff: Deputy Chief Fong, Deputy Chief Pengel, Deputy Chief Bruce, Commander Suhr, Commander Hom and Commander Harper.

Chief Lau also stated that 47 new recruits started the Academy on Monday, November 26th.

OCC DIRECTOR'S REPORT RE: STAFFING, BUDGET AND SUMMARY OF RECENT DEPARTMENT EVENTS

Ms. Jean Field, OCC Acting Director, gave a description of the function and duties of the OCC.

CAPTAIN MICHAEL YALON, COMMANDING OFFICER OF TARAVAL STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE TARAVAL DISTRICT

Captain Yalon addressed the Commission and presented a report on activities taking place within the district.

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PUBLIC COMMENTS

Ed Jue, representing Supervisor Yee, congratulated Captain Yalon for the good job he has done while assigned at Taraval.

A. Bellison congratulated Captain Yalon for the good job he has done and to ask the Commission not to transfer him from Taraval.

Unidentified, Neighborhood Merchants Association, asked the Commission to let Captain Yalon stay.

Rubin Goodwin addressed the Commission regarding dogs off leashed in and around Lincoln High School.

Peter Van, resident of the OMI area, asked if the officers who are stationed at Plymouth and Broad Streets could walk a beat in the area.

Unidentified asked Chief Lau if the community could donate a CPR and heart machine to each police station. Chief Lau stated he would give Captain Yalon information on the type of machine mentioned and how it could be donated.

M. Okane congratulated Captain Yalon and asked the Commission and command staff to assign someone just as good as Captain Yalon to the District.

B. Wilson asked the Commission to reconsider transfer of Captain Yalon.

Mary Harris asked the Commission to reconsider transfer of Captain Yalon.

John Headson, Lakeshore resident, asked the Commission for more officers to patrol the Lakeshore area.

George Latnich, Parkside Merchants Association, asked the Commission not to transfer Captain Yalon and asked for more officers.

G. Johanson asked the Commission to reconsider transfer of Captain Yalon.

Pat Sum congratulated Captain Yalon for a job well done.

Thereafter, the meeting was adjourned at 7:40 p.m.

_____

Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SIDNEY CHAN
PRESIDENT

CONNIE PERRY
Vice President

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

VICTOR MAKRAS
Commissioner

LT EDWARD GEETER
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, DECEMBER 5, 2001, 2001
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

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1. Pledge of Allegiance
2. Roll Call
3. Police Commission Announcements
   a. Motion of Calendaring of New Items
4. Chief's Announcements and Review of Recent Department Events
5. Presentation of a Certificate of Recognition to Mr. Jose E. Marquez
6. OCC Director's Report re: Staffing and Budget and Summary of Recent Events
7. Discussion and Action re: Chinatown Police Koban
8. Public Comments
   (Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

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SAN FRANCISCO POLICE COMMISSION
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For information about MUNI service call 923 6142

Accessible parking is available in front of the Hall of Justice, 850 Bryant Street.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting call 553 1667(v) or 553 9194 (tty)

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DECEMBER 5, 2001 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:37 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Friday, Quaranta, Makras

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Chan announced that it's the birthday of Commissioner Connie Perry. Commissioner Chan also stated that there will be no Commission meetings on December 12th, 26th, and January 2, 2002.

Commissioner Friday asked Chief Lau regarding an article in the paper stating that the department was not going to cooperate with the FBI in the FBI investigation on terrorists.

Chief Lau informed the Commission that the Department meets and cooperate with the FBI on a daily basis. However, the Chief was limited to what he could say in a public forum, but what the FBI asked the Department to do was in violation of departmental policy.

Deputy Chief Pengel advised the Commission that the Terrorism Task Force, which the Department is a member, meet regularly with the FBI and with the limited information given to the Department by the FBI, the department at this time could not do what they asked.

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Chief Lau deferred to next item on agenda.

PRESENTATION OF A CERTIFICATE OF RECOGNITION TO MR. JOSE E. MARQUEZ

Dwayne Tully, Public Affairs Office, and former Deputy Chief Frank Reed presented a Certificate of Appreciation to security guard Jose E. Marquez. Mr. Marquez assisted the Police Department in arresting a robbery suspect who robbed a bank on September 4th.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Ms. Jean Field, Acting OCC Director, reported that for the past year the OCC has been working with State Agencies attempting to gain reimbursement for the time and expense involved in the investigation of police officers involved in citizen's complaints. She stated that Ms. Donna Medley has been successful in getting over $2 million for the fiscal year 2000/2001. These funds are now in the general fund.

PUBLIC COMMENTS

None.

Thereafter, the meeting was adjourned at 6:10 p.m.

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The Police Commission

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WAYNE FRIDAY
Commissioner

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Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING

There will be no Police Commission meeting on Wednesday, December 12, 2001. The next Police Commission Regular Meeting will be on **Wednesday, December 19, 2001**, at 5:30 p.m., in Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco.

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The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, DECEMBER 19, 2001
5:15 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 505-2
San Francisco, California

CLOSED SESSION

1. Roll Call
2. Public Comments on all maters pertaining to the Closed Session
3. Vote on whether to hold Closed Session and/or assert Attorney/Client Privilege to confer with Legal Counsel. (San Francisco Administrative Code Section 67.11(a))
4. Closed Session held pursuant to Government Code 54956.9 and San Francisco Administrative Code Section 67.11(b)

   CONFERENCE WITH LEGAL COUNSEL - Existing Litigation
   a. San Francisco Police Officers Association vs. CCSF

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, DECEMBER 19, 2001
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

1. Pledge of Allegiance
2. Roll Call
3. Discussion and Vote on whether to Disclose Discussion and Action taken in Closed Session
4. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer Phillip J. Gonzales, Taraval (File No. SCM C01-384)
5. Assignment of Commissioner and Setting of Date for Taking of Evidence on Disciplinary Charges filed against Officer Kunthea Johnson, Taraval (File No. SCM C01-385)
6. Assignment of Commissioner and Setting of Date for Taking of Evidence on the Appeal of the Chief's Suspension of Sergeant John Bargagnolo, Taraval (File No. DRA D01-013)
7. Assignment of Commissioner and Setting of Date for Taking of Evidence on the Appeal of the Chief's Suspension of Officer Teresa Ewins, SOD (File No. DRA D01-014)
8. Assignment of Commissioner and Setting of Date of Taking of Evidence on the Appeal of the Chief's Suspension of Officer Constantine Zachos, Mission (File No. DRA D01-015)
9. Approval of Consent Calendar
10. Police Commission Announcements
    a. Motion of Calendaring of New Items
11. Notice of Withdrawal of Appeal of the Chief's Suspension of Officer Angel G. Lozano, Mission (File No. D98-149 JWA)
12. Chief's Announcements and Review of Recent Department Events

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, DECEMBER 19, 2001
5:30 p.m.

Thomas J. Cahill Hall of Justice
850 Bryant Street, Room 551
San Francisco, California

13. OCC Director's Report re: Staffing and Budget and Summary of Recent Events

14. Presentation re: The Domestic Violence Response Unit

15. Public Comments
(Members of the public may address the Commission on items that are within the subject matter jurisdiction of the Police Commission that do not appear on the agenda.)

16. Hearing and Disposition of Disciplinary Charges filed against Officer Eric P. Caracciolo, Support Services (File No. C01034 JWA)

CONSENT CALENDAR

1. Request of the Chief of Police to Accept Donation of an Automatic Electronic Defibrillator from Ms. Connie Hutchason for use at the Taraval Station

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DECEMBER 19, 2001 **CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 5:15 p.m., in Closed Session.

PRESENT: Commissioners Chan, Perry, Friday

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation
a. San Francisco Police Officers Association vs. CCSF

DECEMBER 29, 2001 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco, at 6:07 p.m., in a Regular Meeting.

PRESENT: Commissioners Chan, Perry, Friday, Quaranta, Makras

DISCUSSION AND VOTE ON WHETHER TO DISCLOSE DISCUSSION AND ACTION TAKEN IN CLOSED SESSION

Commissioner Perry made a motion not to disclose action taken in Closed Session. Motion was second by Commissioner Quaranta. Motion passed by a vote 5-0.

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER PHILLIP J. GONZALES, TARAVAL (FILE NO. SCM C01-384)

and

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER KUNTHEA JOHNSON, TARAVAL (FILE NO. SCM C01-385)

POA Attorney Katherine Mahoney addressed the Commission pointing out that she believes that under Government code 3304, no action should be taken on the above-mentioned cases. OCC Attorney Jean Field stated that she believes that Government Code 3304 does not prevent the above-mentioned cases from proceeding. City Attorney Margaret Baumgartner advised the Commission that it is her opinion that Government Code 3304 does not prevent the above-mentioned cases from proceeding.

RESOLUTION NO. 73-01

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER PHILLIP J. GONZALES, TARAVAL (FILE NO. SCM C01-384)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in disciplinary charges filed against Officer Phillip J. Gonzales, Star No. 2333, Taraval, was called it having been set for this date; and

WHEREAS, Commissioner Connie Perry is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Phillip J. Gonzales; therefore be it

RESOLVED, that Commissioner Connie Perry is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Phillip

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J. Gonzales, and is to be set at a later date.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

RESOLUTION NO. 74-01

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON DISCIPLINARY CHARGES FILED AGAINST OFFICER KUNTHEA JOHNSON, TARAVAL (FILE NO. SCM C01-385)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in disciplinary charges filed against Officer Kunthea Johnson, Star No. 73, Taraval, was called it having been set for this date; and

WHEREAS, Commissioner Connie Perry is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Kunthea Johnson; therefore be it

RESOLVED, that Commissioner Connie Perry is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Kunthea Johnson, and is to be set at a later date.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

RESOLUTION NO. 75-01

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON THE APPEAL OF THE CHIEF'S SUSPENSION OF SERGEANT JOHN BRAGAGNOLO, TARAVAL (FILE NO. DRA D01-013)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the appeal of the Chief's suspension of Sergeant John Bragagnolo, Taraval, Star No. 941, Taraval, was called it having been set for this date; and

WHEREAS, Commissioner Victor Makras is hereby assigned to conduct taking of evidence in the appeal of the Chief's suspension of Sergeant John Bragagnolo; therefore be it

RESOLVED, that Commissioner Victor Makras is hereby assigned to conduct taking of evidence in the appeal of the Chief's suspension of Sergeant John Bragagnolo, and is to be set at a later date.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

RESOLUTION NO. 76-01

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON THE APPEAL OF THE CHIEF'S SUSPENSION OF OFFICER TERESA EWINS, SOD, (FILE NO. DRA D01-014)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the appeal of the Chief's suspension of Officer Teresa Ewins, SOD, Star No. 733, was called it having been set for this date; and

WHEREAS, Commissioner Victor Makras is hereby assigned to conduct taking of evidence in the appeal of the Chief's suspension of Officer Teresa Ewins; therefore be it

RESOLVED, that Commissioner Victor Makras is hereby assigned to

conduct taking of evidence in the appeal of the Chief's suspension of Officer Teresa Ewins, and is to be set at a later date.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

RESOLUTION NO. 77-01

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON THE APPEAL OF THE CHIEF'S SUSPENSION OF OFFICER CONSTANTINE ZACHOS, MISSION (FILE NO. DRA D01-015)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the appeal of the Chief's suspension of Officer Constantine Zachos, Mission, Star No. 1049, was called it having been set for this date; and

WHEREAS, Commissioner Victor Makras is hereby assigned to conduct taking of evidence in the appeal of the Chief's suspension of Officer Constantine Zachos; therefore be it

RESOLVED, that Commissioner Victor Makras is hereby assigned to conduct taking of evidence in the appeal of the Chief's suspension of Officer Constantine Zachos, and is to be set at a later date.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

Commissioner Victor Makras set a hearing date of January 2, 2002. Mr. Steve Johnson, POA Representative, stated the above-listed officers will waive the 30-day mandatory hearing date and that written notice would be forthcoming.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 80-01

APPROVAL TO ACCEPT DONATION OF AN AUTOMATIC ELECTRONIC DEFIBRILLATOR FROM MS. CONNIE HUTCHASON FOR USE AT THE TARAVAL STATION

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donation of an automatic electronic defibrillator from Ms. Connie Hutchason for use at the Taraval Station, valued at approximately $2500.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

POLICE COMMISSION ANNOUNCEMENTS

a. Motion of Calendaring of New Items

Commissioner Chan announced that the next meeting will be on January 9, 2002. The Commission will elect new Commission officers.

Commissioner Quaranta wished everyone a Merry Christmas.

RESOLUTION NO. 78-01

WITHDRAWAL OF APPEAL OF THE CHIEF'S SUSPENSION OF OFFICER ANGEL G. LOZANO, MISSION (FILE NO. D98-149 JWA)

WHEREAS, a letter dated December 7, 2001 was received from Officer Angel G. Lozano's representative, Attorney Katherine Mahoney, stating withdrawal of his appeal of the Chief's suspension; therefore be it

RESOLVED, that the request of Officer Lozano for withdrawal of his appeal of the Chief's suspension is hereby approved.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

CHIEF'S ANNOUNCEMENTS AND REVIEW OF RECENT DEPARTMENT EVENTS

Assistant Chief Sanders stated that the Department is doing well and is preparing for the New Year's Eve celebrations. Commissioner Chan asked if the Department was anticipating any problems. Chief Sanders stated that they are not anticipating any problems.

OCC DIRECTOR'S REPORT RE: STAFFING AND BUDGET AND SUMMARY OF RECENT EVENTS

Ms. Jean Field, Acting OCC Director, stated that the OCC is closing more cases than in previous years.

PRESENTATION RE: THE DOMESTIC VIOLENCE RESPONSE UNIT

Captain William Davenport, Juvenile Division, addressed the Commission regarding Domestic Violence Response Unit and explained how cases are tracked. Captain Davenport also stated that training, computer system, and staffing are all up and working with 20 investigators assigned to the unit. He also advised the Commission on several procedures that are in placed to protect children who have witnessed violence.

PUBLIC COMMENTS

None.

HEARING OF OFFICER ERIC P. CARACCIOLO, SUPPORT SERVICES (FILE NO. C01-034 JWA)

The hearing of Police Officer Eric P. Caracciolo, Star No. 832, Support Services, was called it having been set for this date. Officer Caracciolo was charged, in a properly verified complaint by Fred H. Lau, Chief of Police of San Francisco Police Department, with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which undermines the good order and discipline fo the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Eric P. Caracciolo appeared in person and was represented by Ms. Katherine Mahoney, Attorney at Law.

Officer Eric P. Caracciolo admitted to the truth of the allegations contained in Specification No. 1 and accepts responsibility for his actions.

The Police Commission unanimously accepted the plea of Officer Caracciolo.

Based on Officer Caracciolo's admission, the Commission requested a recommendation from Chief of Police Fred H. Lau.

It is the recommendation of Chief of Police Fred H. Lau that Officer Eric P. Caracciolo be suspended for twenty (20) days with twenty (20) days held in

abeyance for three (3) years on the following conditions: That Officer Caracciolo not engage in any serious acts of misconduct and he participate in counseling with his wife for the three years; and that he waive confidentiality to permit the Commanding Officer of the Staff Services Division, by way of quarterly reports from the counselor, to monitor his attendance, participation and cooperation in the counseling, but not to monitor the content of the counseling.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 79-01

DECISION - HEARING OF OFFICER ERIC P. CARACCIOLO, SUPPORT SERVICES (FILE NO. C01-034 JWA)

WHEREAS, on November 2, 2001, Fred H. Lau, Chief of Police of the San Francisco Police Department, made and served amended charges against Officer Eric P. Caracciolo, as follows:

SPECIFICATION NO. 1:
Engaging in conduct which undermines the good order and discipline fo the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

(1) At all times herein mentioned, Eric Caracciolo, Star Number 832, (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to the Field Operations Bureau, Central District, but is now assigned to the Support Services Division;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders, and procedures of the San Francisco Police Department;

(3) During January, 2001, the accused lived in a house in the City of Brisbane, San Mateo County, with his wife (referred to as "the victim") and their child. On January 24, 2001, a Brisbane Police Department unit responded to a hang-up call to the 911 emergency number from the house the accused and the victim occupied in Brisbane;

(4) The Brisbane Police Department officers who responded investigated the matter. The accused and his wife were both visibly upset and both had tears in their eyes. The victim explained the hang up of her call to 911 by saying that the accused had come home late and had been drinking. The victim and the accused argued so she called 911 to "calm things down before anything happened." During the course of the investigation on January 24, 2001, one of the investigating officers observed a bruise under the left eye of the victim;

(5) The investigating officers noted that the accused appeared to bc under the influence of alcohol and suggested that he find another place to stay that evening to avoid further difficulties and the accused complied with the suggestion;

(6) The victim refused to cooperate with the Brisbane Police Department investigation and also refused to cooperate with the Management Control Division investigation;

(7) The accused did not report the contact with the Brisbane Police Department to his supervisor and in fact tried to conceal his status as a member of the San Francisco Police Department from the Brisbane Police Department so that the San Francisco Police Department would not learn of the incident;

(8) Rule 2 of Department General Order 2.01 states:

"2. OFF-DUTY RESPONSIBILITY. While off duty, members shall take all reasonable steps to prevent crime, detect and arrest offenders, and protect life and property, consistent with their ability to take proper action."

(9) The accused engaged in misconduct, by becoming involved in an alcohol-fueled altercation with the victim resulting in the involvement of the Brisbane Police Department and by not reporting it to a supervisor as alleged above; any reasonable police officer must know that such conduct would be cause for discipline or dismissal whether specifically described in a rule or not, and therefore the accused's conduct in this respect violated Rule 9 of Department General Order 2.01 of the San Francisco Police Department, which states:

"MISCONDUCT. Any breach of the peace, neglect of duty, misconduct, or any conduct on the part of an officer either within or without the state that tends to undermine the order, efficiency, or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Appendix A. Section A 8.343 of the Charter of the City and County of San Francisco on December 19, 2001 where the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Eric Caracciolo's admission, the Commission finds the allegations contained in Specifications No. 1 of the disciplinary charges as preferred by Chief of Police Fred H. Lau against Officer Caracciolo are sustained; and the Commission adopts the sustained specification as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety, and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1 Sustained

That Officer Eric P. Caracciolo be suspended for twenty (20) days with twenty (20) days held in abeyance for three (3) years on the following conditions: That Officer Caracciolo not engage in any serious acts of misconduct and he participate in counseling with his wife for the three years; and that he waive confidentiality to permit the Commanding Officer of the Staff Services Division, by way of quarterly reports from the counselor, to monitor his attendance, participation and cooperation in the counseling, but not to monitor the content of the counseling.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time and within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

RESOLUTION NO. 80-01

APPROVAL TO ACCEPT DONATION OF AN AUTOMATIC ELECTRONIC DEFIBRILLATOR FROM MS. CONNIE HUTCHASON

FOR USE AT THE TARAVAL STATION

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donation of an automatic electronic defibrillator from Ms. Connie Hutchason for use at the Taraval Station, valued at approximately $2500.

AYES: Commissioners Chan, Perry, Friday, Quaranta, Makras

Thereafter, the meeting was adjourned at 7:00 p.m.

_____
Lieutenant Edward Geeter
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SIDNEY CHAN
PRESIDENT

CONNIE MERAY
Vice President

WAYNE FRIDAY
Commissioner

ANGELO QUARANTA
Commissioner

VICTOR MAKRAS
Commissioner

LT EDWARD DEETER
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING

There will be no Police Commission meeting on Wednesday, December 26, 2001and January 2, 2002. The next Police Commission Regular Meeting will be on **Wednesday, January 9, 2002**, at 5:30 p.m., in Room 551, Thomas J. Cahill Hall of Justice, 850 Bryant Street, San Francisco.

DOCUMENTS DEPT.

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